

# *The* HISTORICAL BULLETIN

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## THE SECURITY COUNCIL

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## KINO: AGENT FOR BOTH MAJESTIES

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## RECENT BOOKS IN REVIEW

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# The HISTORICAL BULLETIN

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*for Teachers and Students of History*

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CONTRIBUTORS

THOMAS L. COONAN, S.T.L., S.T.D., PH.D., is an Associate Professor of History at St. Louis University. He received his Licentiate and Doctorate in Sacred Theology from the Atheneum de Propaganda Fide, Rome in 1931 and 1932 respectively. In 1946 he received his Doctorate in History from Columbia University.

ANTHONY F. CZAJKOWSKI, PH.D., received his Doctorate in Medieval History from Fordham University. He is now Instructor in History at St. Louis University, and a frequent contributor of reviews and articles to this periodical.

JOHN F. BANNON, S.J., PH.D., is Associate Professor and Director of the Department of History at St. Louis University.

JOHN B. MCGLOIN, S.J., M.A., received his Master's degree from Gonzaga University. He is currently working on his doctoral dissertation at San Francisco University for the reception of his Doctorate from St. Louis University.

# Irish Antecedents of the American Revolution

## Thomas L. Coonan

*St. Louis University*

**I**N 1924 Charles Howard McIlwain reopened a burning issue among constitutional historians by questioning the right of the English Parliament to legislate for the British Empire which right had apparently been settled in Parliament's favor. McIlwain's contention is that the King was the imperial authority and that Parliament never possessed lawful authority outside the realm of England. Its imperial supremacy originated in a usurpation that began during the Puritan Revolution. The first formal assertion by Parliament of its authority outside England was the Act Establishing the Commonwealth passed by the Long Parliament, May 19, 1649. This was not only illegal but was also the beginning in Ireland of "the direct constitutional antecedents of the American Revolution."<sup>1</sup> The American Revolution resulted from a collision of two incompatible interpretations of the British Constitution, one held by Americans, the other by the English Parliament.

English statesmen contended that Parliament's right to legislate for the American colonies was based upon and warranted by earlier precedents in the growth of the constitution. American patriots protested that Parliament's claim to such an authority was based upon the usurpation of the Long Parliament. To their mind the struggle which is called the American Revolution was, up to May, 1776, a constitutional one. On October 26, 1774 they solemnly assured King George III that they had no wish to diminish royal prerogative. The Crown, or the King in Council and therefore out of Parliament, was the imperial authority, and the struggle did not touch the prerogative till after George III's Proclamation of Rebellion, August 23, 1775. It was not to be expected that English statesmen who had declared that the English Parliament "had, hath, and of a right ought to have" sufficient power and authority to bind the American colonies would regard American opposition to Parliament's practical application of this power as a merely "constitutional" opposition.<sup>2</sup> They contended that the Glorious Revolution (1688-9) had made Parliament omnipotent. William and Mary had sworn in their coronation oath to govern the kingdom and the dominions "according to the statutes in Parliament agreed on."<sup>3</sup> Prerogative had become only such part of the ancient discretionary right of the Crown as Parliament saw fit to leave intact.

<sup>1</sup> *The American Revolution: A Constitutional Interpretation* (New York, 1924), pp. 1-2.

<sup>2</sup> Stephenson C., and Marcham. F. G., *Sources of English Constitutional History* (New York, 1937), pp. 659-60.

<sup>3</sup> *Ibid.*, p. 606.

In a reply to McIlwain, Robert Livingston Schuyler agrees that the Commonwealth act was illegal. He insists, however, that the issue raised by McIlwain does not turn upon the character of the Long Parliament and its legislation but rather upon earlier constitutional precedent. The statutes of the Tudor period, he points out, make clear that the Parliaments which enacted them did not regard their authority as limited only to England. McIlwain insists that these statutes were either declaratory only or were passed at a time when Parliament was merely a session of the Council of which the King was the essential element. With the assumption of Parliamentary supremacy in Puritan times the real problem of the modern British Empire, viz., the constitutional relation of the realm and the dominions began.

After an exhaustive account of the precedents pro and con, Schuyler concludes that the contention put forth by the American revolutionary leaders prior to the Declaration of Independence is unsupported by the precedents of the British Constitution. Schuyler does not, of course, attempt to prove that the American contention is not in accord with the law of nature as a right of man. He also acknowledges McIlwain's contention that the American doctrine denying Parliament's competence outside the realm of England was exactly parallel to the Irish constitutional agitation against the imperialism of the Long Parliament, and that the arguments of American statesmen, particularly of John and Samuel Adams, were in all likelihood popularizations without acknowledgement of the claims of Irish constitutional lawyers and statesmen.<sup>4</sup> McIlwain's interpretation of the American Revolution has not commended itself generally to constitutional historians who agree that the British Parliament had the legal right to legislate for the Empire. Nevertheless the Irish political doctrine denying that right is today the acknowledged basis of the Statute of Westminster of 1931 upon which rests the independence of the self-governing dominions of the Empire. "No act of parliament of the United Kingdom," the Statute reads, "passed after the commencement of this act shall extend, or be deemed to extend, to a dominion as part of the law of that dominion, unless it is expressly declared in that act that that dominion has requested, and consented to, the enactment thereof."<sup>5</sup>

Let us now turn to an exposition of this Irish political doctrine which gave rise to the arguments of the American revolutionary leaders. British rule in Ireland had by

<sup>4</sup> Schuyler, R. L., *Parliament and the British Empire* (New York, 1929), p. 8sqq, 55. McIlwain, *op. cit.*, p. 33sqq.

<sup>5</sup> Stephenson and Marcham, *op. cit.*, p. 840.

the seventeenth century divided the Irish question, like Caesar's Gaul, into three parts: the constitutional, the religious, and the agrarian. The constitutional stemmed from the English Parliament's repudiation of the Irish Parliament's claim to legislative independence and co-ordinate jurisdiction. The religious question originated in the Elizabethan statutes of Supremacy and Uniformity, giving Episcopal Protestantism its legal sanction in Ireland. The agrarian question sprang from the wholesale spoliation of Catholic Irishmen's estates in the policy of plantations during the reigns of Elizabeth and James I.<sup>6</sup>

#### *Ireland's Constitutional Relations*

The question of Ireland's constitutional relation to the Kingdom of England became a vital issue after the recall from Ireland of Charles I's deputy, the Earl of Strafford, April 3, 1640. By his policy of "Thorough" Strafford had antagonized the Irish people generally. The Irish House of Commons accordingly entered upon an examination of its constitutional grievances and sent a series of charges against his administration to the King. One of the grounds used by the English House of Commons for Strafford's later impeachment was taken from the Irish charges. It declared that the Earl in order to alienate the people of Ireland from the King's Government and to "subvert its fundamental laws" had declared publicly that Ireland was a conquered country and that the King might dispose of its people as he pleased.<sup>7</sup> The English Puritans, of course, were concerned for Irish freedom only because they were determined to rid themselves of Strafford. But expediency made an alliance between them and the Irish Parliamentary leaders against the common enemy, imperative.

Not content with a mere protest against the Strafford regime, the Irish Parliament on February 16, 1641 proceeded to put the government of the country upon a constitutional basis. It declared that the people of Ireland were "free, loyal and dutiful subjects" to be governed "only by the common laws of England and statutes of Force in this Kingdom, in the same manner and Form as his Majesty's Subjects of the Kingdom of England are, and ought to be governed by the same common Laws and Statutes of Force in that Kingdom, which of Right the Subjects of this Kingdom do challenge, and make their Protestation to be their Birthright and best Inheritance." As the illegal proceedings of the late administration had tended to create certain precedents incompatible with the rights of the King's Irish subjects, the House authorized a group of able Catholic lawyers to draw up a paper of questions to be sent to the Lords for the opinion of the judges.<sup>8</sup> Their purpose was to dispute the claim of the English Parliament to legislate for Ireland. The first was: "Whether the Subjects of this King-

dom be a free people, and to be governed only by the common laws of England and Statutes of Force in this Kingdom?" On May 25 the judges replied.<sup>9</sup> To the first question they answered: "That the Subjects of this Kingdom are a Free People and are for the general to be Governed only by the Common Laws of England, and Statutes of Force in this Kingdom." But, they added, the word "only" in the question submitted to them, must receive a "benign exposition" before a general answer in the affirmative could be given.

The Commons were disappointed and arranged for a conference with the Lords concerning the unsatisfactory answer of the judges. They appointed Patrick Darcy of Galway, a celebrated Catholic lawyer and a member of the House, as their spokesman to defend the constitutional view set forth in the questions. At the conference Darcy delivered an *Argument* in the course of which he contended that the English Parliament had no right to make laws for Ireland.<sup>10</sup> He drew an ingenious distinction between its right to *declare* law and its right to *make* law for Ireland. The former he conceded, but he denied that any act of the English Parliament making new law had been accepted in Ireland until enacted by the Irish Parliament.

The Commons issued declarations stating their own opinion on the questions and voted unanimously on July 26 "that the Subjects of this his Majesty's Kingdom are a free People, and to be governed only according to the common Law of England, and Statutes made and established by Parliaments of this Kingdom of Ireland."<sup>11</sup> This was tantamount to a blanket declaration of Ireland's legislative independence.

#### *Catholic Rebellion*

Shortly after this the Irish Government, then under the control of the English House of Commons, discovered that King Charles I was ready to grant a general redress of Irish grievances in return for the support of the Irish Catholics in the impending struggle between King and Parliament in England. To prevent this the Irish Government prorogued Parliament on August 7, 1641 and so ended all hope of arriving by peaceful means at a solution of the Irish constitutional problem. The result was the Irish Catholic Rebellion of 1641.

The Rebellion broke out in Ulster in October and rapidly extended to the whole of Ireland. Contemporary Protestant accounts regarded the Rebellion as a "great Popish massacre" for the destruction of all the "innocent English Protestants" in Ireland. The official accounts of the Irish Catholic leaders protested that it was a lawful appeal to the sword to defend the Catholics of Ireland against Puritan attack, to restore the Catholic Church in Ireland to its pre-Reformation status, to recover for their original Catholic owners the lands planted by British colonists, and to secure the legislative independence of the Irish Parliament.<sup>12</sup>

(Please turn to page sixty-three)

<sup>6</sup> *History of the Irish Confederation and the War in Ireland* by Richard Bellings. With Correspondence and Documents of the Confederates and of the Administrators of the English Government in Ireland, *Contemporary Personal Statements, Memoirs, etc.*, edited by John T. Gilbert (Dublin, 1882-91), 7 Vols. Hereafter this work will be cited as Bellings. I, *isqq.*

<sup>7</sup> Nalson, J., *An Impartial Collection of the Great Affairs of State, from the Beginning of the Scotch Rebellion of the Year MDCXXIX to the Murther of King Charles I* (London, 1683), II, p. 12.

<sup>8</sup> *The Journals of the House of Commons of the Kingdom of Ireland*, I, pp. 174-5.

<sup>9</sup> Nalson, *op. cit.*, p. 575*sqq.*

<sup>10</sup> *An Argument delivered by Patrick Darcy, Esquire: by the express order of the House of Commons in the Parliament of Ireland*, 9, Junii, 1641, p. 70. See Schuyler, *op. cit.*, p. 42, 234.

<sup>11</sup> *The Journals of the House of Commons of the Kingdom of Ireland*, I, p. 269.

# The Security Council

## Anthony F. Czajkowski

*St. Louis University*

In historical perspective a year is a very brief period of time. However, the past fifteen months have witnessed a multiplicity of events which have followed one another with bewildering speed. But even more important than the events which have taken place, the past year has given rise to a growing disillusionment among the peoples of the world. When the instrument of surrender was signed on September 2, 1945, aboard the USS MISSOURI there was no war for the first time in fourteen years. Peoples of all nations looked with hope toward a future of peace—a peace to be buttressed and maintained by the newly-established United Nations. As the months passed the hopes dimmed. Although there was no war, neither was there peace. The United Nations was operating but daily it inspired less confidence. Significant was the indifference of the people of New York City towards the delegates who arrived to attend the sessions of the General Assembly in October, 1946. Patently the attitude was 'Wait and See'.

The minds of men were and still are in a dilemma. Painfully recent is the previous attempt at collective security to prevent war inaugurated at the end of the First World War. Not only did the League of Nations fail to prevent aggression and to preserve peace, but when war broke out once again it completely overshadowed the previous conflict in extent and horror. Nevertheless, despite distrust and disillusionment, everyone today, actively or passively, is aware of the need to prevent another war. While the delegates of the United Nations argued for days over methods of procedure, there remained the ever imminent spectre of atomic, bacteriological, rocket and supersonic warfare. The beautiful words of the proponents of 'One World' no longer seem as beautiful, but no one can escape the meaning of 'One World or None'. Wartime allies are revealed in truer light, but until some better scheme is evolved for preserving peace, the hopes of men must perforce remain in the United Nations.

Although the organization of the United Nations officially came into existence with the San Francisco Conference (April-June, 1945), its history goes back to the entrance of the United States into the war. A few weeks after the Japanese attack on Pearl Harbor, representatives of Great Britain, the United States and the Soviet Union conferred in Moscow. The three Powers reached an agreement on the necessity of the utter defeat of Hitlerite Germany and discussed the measures to be taken to render completely impossible any repetition of the German aggression in the future. Views were therefore exchanged on questions relating to post-war organization of peace and security.

### *Beginnings of UN*

On January 1, 1942, a concrete step was taken towards the co-operation of all Allies in the defeat of Germany, Italy and Japan. On that day the Declaration of the United Nations was signed by President Roosevelt, Prime

Minister Churchill, Maxim Litvinov and T. V. Soong, representing the major powers, and by twenty-two other signatories. However, as the German war machine ground forward in the summer and autumn of 1942 toward the Volga River and the rich oil fields beyond, the attention of all powers was turned to the immediate objective of halting the German advance and post-war projects were relegated to the background. The advance was halted at Stalingrad, and the Allied armies passed to the offensive. While the Russian armies launched a great counter-offensive to drive the Germans from Russian soil, American and British forces were engaged in driving the Africa Korps from North Africa. By May of 1943 the whole of North Africa was under the Allied flag, and within a few months Italy had been knocked out of the war. With the initiative now in their hands, the Allies could more confidently resume their discussions for a post-war project to maintain peace. Accordingly, when the Foreign Ministers of the United States, Great Britain and the Soviet Union met in Moscow in the Fall of 1943, they announced that the Big Powers "recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership of all such states, large and small, for the maintenance of international peace and security."

Almost immediately problems presented themselves concerning the implementation of these lofty principles for a world organization. Various Soviet publicists voiced their conviction that the U.S.S.R. would have nothing to do with any revival of the defunct League of Nations. Voices were raised to the effect that the general international organization must depend for its efficacy on the unanimity of all the great powers.

To work out a blueprint for the international organization envisaged by the great powers, a conference was called to meet at Dumbarton Oaks on August 21, 1944. The sessions which were held from August to October 7, 1944, against a background of renewed Russian successes and the successful invasion of the Continent by the Western Allies, consisted of two phases. During the first phase, representatives of the United States, Great Britain and the Soviet Union conferred concerning the establishment of the world security organization. In the second phase, the United States and Great Britain discussed the same problems with representatives of China, since Russia, not yet at war with Japan, preferred not to include China in the general conference.

The task before the Dumbarton Oak conferees was the establishment of an effective machinery for the proposed international organization. The seven-week conference produced an outline upon which the world organization was to be founded. The conferees had no authority to found an organization. Their purpose was to explore all the avenues of international cooperation and

to present proposals to serve as a basis of future action. Complete agreement was not reached, mainly because of difference of opinion between Soviet Russia and the other three Powers. Certain key points, however, were established. The points of agreement can be summarized as follows:

There should be established an international organization to be known as the United Nations whose main purpose was "to maintain international peace and security". To accomplish its tasks it could "take effective collective measures for the prevention and removal of threats to the peace and the suppression of acts of aggression or other breaches of peace and to bring about by peaceful means an adjustment or settlement of international disputes which may lead to a breach of peace."

The proposed organization was to have four principal organs: 1. General Assembly, 2. Security Council, 3. An International Court of Justice, 4. a Secretariat. The General Assembly was to be composed of the representatives of all nations who were members of the organization. Its functions were to be two-fold: it should consider the general principles of cooperation in the maintenance of peace and security, and it "should facilitate solutions of international, economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms."

#### *The Security Council*

The Security Council, however, was to be the backbone of the new organization. Its purpose was to maintain peace and security. The Council was to consist of eleven members—five permanent members representing the United States, Great Britain, the Soviet Union, China and France, and six others to be elected by the General Assembly for a term of two years.

The Security Council was to function continually. It was to be empowered to investigate any dispute or situation which might lead to international friction or give rise to a dispute. If the nations involved in a dispute failed to settle it by peaceful methods, then the Security Council should be empowered to take any measure necessary for international peace and security. The Council should first exhaust all measures short of force, namely, complete or partial interruption of rail, sea, air, postal, telegraphic, radio or other means of communication. If these non-military measures prove inadequate, then the Council should take such action by air, naval or land forces as may be necessary to maintain or restore international peace and security. For this purpose every member of the proposed organization was to make available to the Security Council the necessary armed forces. To advise the Council on matters of military policy, a Military Staff Committee was to be established, composed of the Chiefs of Staff of the 'Big Five' or their representatives.

The forces which individual member nations were to designate as available to the Security Council were to remain within their own state. For immediate action, however, air force contingents were to be at the disposal of the Security Council to be used without delay against an aggressor nation.

A problem which presented itself to the Dumbarton Oaks conferees concerned regional arrangements or areas within spheres of influence of the Big Powers. Theoret-

ically, in an international organization guaranteeing peace and security there should be no necessity for regional arrangements which are, after all, primarily defensive in character. Although logic might dictate that such subordinate unions would no longer be necessary, the unpleasant reality remained that in eastern Europe a bloc had been formed around Russia, that the Scandinavian and the Low Countries were looking toward Great Britain and that the countries of Latin America had drawn closer to the United States during the war. The conferees therefore decided that regional arrangements could exist within the United Nations provided that they act in accord with the purposes and principles of the organization.

From the blueprint presented to the world by the Dumbarton Oaks Conference it was evident that the Security Council was to be the kernel of the organization, endowed with full power to take action in case of threatened aggression or dispute. Within the Council itself the power rested with the Big Five and here another problem arose. Russia insisted upon the unanimity of Big Powers on matters affecting sanctions and wished to extend this unanimity even to matters of discussion. Nothing should be brought before the Council unless all the permanent members acquiesced in admitting it. Russia was fearful of finding herself accused of aggression and hence of becoming subject to the collective sanction of anti-Soviet coalitions. Without unanimity, Russia believed that she would be in a permanent minority and hence open to attack. Long discussions arose at Dumbarton Oaks concerning the question of unanimity, but the conferees were unable to resolve the difficulty. They decided to submit the problem to the heads of the governments at their next 'Big Three' meeting.

The 'Big Three' met on February 4, 1945, at Yalta in the Crimea to discuss plans for the final defeat of Germany and for the subsequent attacks on Japan. The problems of world organization presented by the Dumbarton Oaks Conference was dealt with only incidentally. President Roosevelt purposely tried to separate the negotiations regarding peace settlements in Europe and Asia from the considerations of establishing an international body. A good historian, Roosevelt intended to avoid the mistakes of 1919 when the Treaty of Versailles was closely associated with the Covenant of the League of Nations and both thereafter had to exist together. When the Treaty of Versailles had become discredited, the League of Nations lost prestige and thereby lost also whatever power it had possessed originally. The conferees at Dumbarton Oaks had already tried to avoid the errors made by their predecessors. The proposals for the new organization were more flexible and did not attempt to define in advance fundamental principles. The planners admitted that it was impossible to foresee all future contingencies. Moreover, the new body did not bind itself to guarantee the maintenance of existing boundaries, nor was it to be an integral part of the various peace treaties which were to be signed after the termination of hostilities.

#### *Yalta Voting Formula*

Despite the avoidance of full discussion concerning the proposed world organization, the 'Big Three' found the

(Please turn to page fifty-nine)

# Kino: Agent for Both Majesties

## John F. Bannon, S. J.

St. Louis University

*This paper was read at the meeting of the American Catholic Historical Association, New York, 1946.*

TOO often, in the fervor of religious enthusiasm, writings about the great missionaries have had a tendency, understandable but in certain respects regrettable, to emphasize the personal side of the apostle's life, to the almost complete exclusion of other considerations—the many miles he traveled in order to bring the word of God to benighted souls; the hardships which he underwent; the dangers he encountered, not infrequently with mortal consequences to himself; the numerous souls whom he baptized; the heights of sanctity to which he mounted. All of this is quite in order, wholly correct, eminently edifying, but. . . . If the missionary were nothing but apostle, there would be no grounds for quibble with this approach. However, he is regularly more than that, even though unwittingly betimes.

Rare is the Catholic missionary who is not, in one way or another, a pioneer, often of the trail-breaker variety; who is not, at one and the same time, the agent for Christianity as a religion and also for Christian civilization; who is not as the Spaniards of a few centuries back used to put it "agent for Both Majesties." To emphasize this other aspect of the missionary is the theme of the present short study, and it is an enterprise of historical and historiographical significance. Hence, while we do not forget the works of zeal, of abnegation, of self-sacrifice, and all of that, we choose to center attention on another facet of the missionary.

Padre Eusebio Francisco Kino, Black Robe apostle of Pimería Alta, has been chosen to typify the missionary in the Americas. Certainly, he was outstanding, but his zeal and his achievements could be matched, surpassed, perhaps, many times over in the mission annals of the New World—by a Juan de Zumárraga, a Pedro de Gante, an Antonio Margil, a Bartolomé de Las Casas, a Luis Beltrán, a Francisco de Pamplona, a José de Anchieta, a Jean de Brébeuf, a Joseph Le Caron, and a host of others who well deserve mention. Brown Robes and Black, White Robes and Grey, all had their giants. Kino, however, is a fine example of the many-sidedness of the New World missionary. He was an apostle first, but he was also a trail-breaker and builder, a ranchman and farmer, an Indian agent and frontiersman. His personal story is of less interest than the men whom he typifies.

Kino was born in the little Tyrolean hamlet of Segno, near the more easily recognizable town of Trent, sometime in mid-summer of 1645.<sup>1</sup> If ever a writer should

be called upon to compose a second nocturn in his honor, "*piis et honestis ortus parentibus*" would be in the Fourth Lesson's opening sentence. By nationality and ancestry Kino was of Italian stock. His Jesuit background, however, was German, and for this reason he has regularly been catalogued among the "northerners" by the meticulous and suspicious Spaniards.

After college days with the Jesuits, at Hala near Innsbruck, in 1665 he entered their Company, becoming a member of the Province of Upper Germany. Thirteen years later, in 1678, his long course of study and training was completed. Six times in that span of years he had importuned the Jesuit Father General to send him to the Indies, where his chosen patron, Saint Francis Xavier, had brought Christianity more than a century before. Hoping to win favor with the lords of China, as several Jesuit missionaries already had done, during his years of philosophy and theology young Kino had given himself diligently to the study of the mathematical and astronomical sciences. A priest finally and ready now for the active ministry, Kino determined once more to offer himself to Father General Paul Oliva for the missions of the East. This time his request was granted: he would be sent to the Indies, but to the Indies of the West rather than to those of the East. Kino's vow of obedience probably pinched just a little when he received that assignment, but he consoled himself with the thought that in all events he would have an opportunity to devote himself to the conversion of the heathen, as Xavier before him.

### Missionary Career

The year 1678 was not yet out when he and a group of companions from the provinces of the North shipped from Genoa and arrived in Spain. Delays of one sort or another, by no means the doings of the eager young Black Robes, held the party in Spain until the early months of 1681. Later in that year Kino arrived in New Spain. In 1683 he went off as missionary and royal cosmographer with Don Isidro Atondo to California (Baja California). This was not the first attempt of the Spaniards to colonize and Christianize the peninsula.

The Atondo-Kino venture, like its predecessors, was destined to fail. After over two years of hard work and generous striving came a royal decree suspending Californian efforts and calling soldiers and missionaries back to Mexico. With heavy heart Kino returned to the capital, in 1686.

Though the enterprise had failed, Kino had been no failure. His Jesuit superiors readily recognized this fact. On the peninsula he had shown those remarkable characteristics which betoken the great missionary. There was a place for him far out beyond what was then the "rim of Christendom," out in the northwest, where the Pima and the Pápago nations were calling for Black Robes. Here was a field to be opened up and developed, for the glory of Both Majesties. Kino was the man.

<sup>1</sup> Herbert Eugene Bolton is the great authority on Kino and to him goes the credit of introducing to Anglo American historians and readers a great missionary figure of the Americas. This paper has leaned heavily on Bolton for its Kino data. See the edition of the *Favores Celestiales* which appeared in two volumes in 1919, entitled *Kino's Historical Memoir of Pimería Alta*; and the short sketch, *The Padre on Horseback*; also the fuller study, *Rim of Christendom*.

So to Pimería Alta he was sent, a land which stretched northward and westward beyond the Sonora of that day, today the territory comprised in the northwest sector of the present Mexican State of Sonora and the lower portion of the State of Arizona.

For nigh onto a century Kino's Black Robe brethren had been at work among the Indians on Mexico's Western Slope. The mission frontier had moved far since the day in 1591 when Tapia and Pérez had established headquarters at San Felipe, on the Río Sinaloa. One after another of Old Sinaloa's four valleys had been conquered for God and King—the Sinaloa, the Fuerte, the Mayo, the Yaqui. Following the course of this last river inland the Jesuits had entered Pimería Baja and later had moved on into the Opatería. By mid-century they were well established on the middle and upper reaches of the fifth of the rivers, the Río Sonora. On an affluent, the Río San Miguel, Cucurpe in 1687 was the northwest outpost. Kino's first move was to forge on up the valley of the San Miguel some fifteen miles beyond Cucurpe. On the site of the old Indian village of Cosari he founded his Misión de Nuestra Señora de los Dolores, destined to be his headquarters for the quarter-century to come.

By 1695 Kino and his few co-workers had lined the Altar and the Magdalena valleys with a string of missions. In 1700 he laid out the northern outpost of San Xavier del Bac, the familiar landmark a few miles south of the modern Tucson, and within the next two years had closed the gap between with Tumacácori and Guébavi. When Kino died in 1711 at Magdalena the Pimería and the Papguería were integral parts of Spain's far-flung northern frontier, and some four thousand souls had been enrolled in the ranks of "Both Their Majesties." The fine "harbor of Monterey" of which frontiersmen dreamed since the day of Vizcaíno had been moved a long step closer. Salvatierra's line of missions, in large measure Kino-inspired, was moving up the California peninsula toward a projected junction across the Colorado. The frontier dream was taking shape. Christendom was marching on.

#### Cultural Achievements

Kino's record as missionary and founder is impressive. His achievements in lines not purely apostolic are hardly less so. His contributions, both as explorer and cartographer, to the geographical knowledge of the American Southwest and the Mexican Northwest were considerable. Greatest of these, unquestionably, was the definite proof he adduced for the peninsularity of Lower California, a point on which many misconceptions had been rife in the scholarly world during the century previous. He was first white man to cover and to chart the famous Camino del Diablo between Sonóita and the Gila. During his short stay in Baja California he had explored large sectors of the peninsula, preparing maps and amassing the data which ultimately made possible the occupation of that region by his Black Robe brethren.

Like every frontier padre, Kino was also a builder—understand the word in its widest sense, so as to include architect, engineer, construction foreman, and, not infrequently, laborer too. When one recalls that his

churches were built with Indian workmen, it is no difficult problem to recognize what such training meant in terms of the civilizing process. His original mission at Dolores has yielded to the ravages of time and neglect, but others of his little churches stand today in the Sonora countryside, and are still in use.

Again on the material side of the missionary's contribution to culture and civilization, mention should be made of Kino's ranching activities. Bolton considers it no exaggeration to credit him with having fathered the stock-raising industry in northwestern Mexico:

He was easily the cattle king of his day and region. From the small outfit supplied him from the older missions to the east and south, within fifteen years he had established the beginnings of ranching in the valleys of the San Ignacio, the Altar, the Santa Cruz, the San Pedro, and the Sonóita. The stock-raising industry of nearly twenty places on the modern map owes its beginnings on a considerable scale to this indefatigable man.<sup>2</sup> In the prosecution of this enterprise Kino may have been outstanding, but he was not unique. He was simply the heir to a well-established tradition on the Western Slope. Many years before, his Black Robe predecessors had recognized two facts: the first that the diet of the missionaries had certain notable deficiencies in the meat range, a circumstance which might greatly impair their health and lessen apostolic efficiency; the second that there was a too evident relationship between Indian stomachs and the preservation of the Faith which they had toiled to plant in the minds and hearts of their neophytes. The establishment of mission ranches had proved an answer to both problems. The mission cattle had made it possible for the padres to keep the Indians at home, relieving their dependence upon the chase and, besides, giving them a certain economic independence. Kino, therefore, was but carrying on. True, he was a master. When San Xavier del Bac was founded in 1700, he sent out his Indian *vaqueros* and within a short time they had rounded up fourteen hundred head of cattle with which to stock the new mission ranch. During his lifetime Kino was largely responsible for keeping Salvatierra's missions in Baja California alive, with the regular shipments of cattle sent across the Gulf to a land less prosperous. As in the matter of building, so in this ranching enterprise, it was the Indian who really benefited by the training and experience.

Again, like his fellow missionaries in other sectors of the Americas, Kino had an eye to perfecting and diversifying the agricultural endeavors of his Indians of the Pimería. When he found them, they already knew the secret of the seed and had for long generations before cultivated their little plots and had employed quite ingenious techniques of irrigation. The range of their products, however, was not great—the usual frijoles, gourds and melons, and, of course, maize or Indian corn. The missionaries introduced advanced theories and techniques of cultivation helped the Indians to improve their irrigation systems, and brought in many new seeds and plants. Among these last wheat was prominent. An interesting innovation in the Indian diet throughout the Sonora country was effected as a result of this importation of the Old World's common bread cereal. The traditional maize *tortilla* was replaced

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<sup>2</sup> Bolton, *Rim of Christendom*, p. 589.

# Francis Parkman on the Jesuits

## John B. McGloin, S. J.

*University of San Francisco*

WHEN Francis Parkman (1823-1893) had finally completed the series on which he had bestowed the general title *France and England in North America*, the venerable octogenarian and historian, George Bancroft, thus wrote to him from Washington, D. C.:

You have just about everything that goes to make an historian: Persistency in collecting materials, indefatigable industry in using them, swift discernment of the truth, integrity and intrepidity in giving utterance to the truth, a kindly humanity which is essential to the true historian and which gives the key to all hearts, and a clear and graceful and glowing manner of narration.<sup>1</sup>

That, I submit, is yet another example of how George Bancroft could overstate a proposition!

This paper is not a futile endeavor to detract from the undeniable greatness of Francis Parkman as an historian; he has long since attained an eminence at once deserved and rendered more admirable, if we consider the physical handicaps which he overcame in the composition of his distinguished volumes. Nothing that we shall say here could deprive Parkman of what is assuredly his forever—a prominent niche in Clio's Hall of Fame. However, an attempt will be made to show that Bancroft's eulogium was overdone and not deserved in its totality.

It is hardly necessary to preface the remark that Parkman's undoubted mastery of the flowing phrase and picturesque word distinguish this volume of his on the Jesuits, (*The Jesuits in North America in the Seventeenth Century*, Boston, 1882). None of the Parkman volumes lack a style that, viewed cumulatively, at least, makes their author a great literary historian. Putting to one side, then, any critique on this facet, we may turn to the point of immediate interest: what is to be thought of the treatment accorded the Society of Jesus in this work?

The fact that evidence could be piled up through careful, hand-picked culling to show that Parkman both liked and thoroughly disliked the Jesuits is but another proof and example of how easily one may tip the scales in one direction or another in an argument of this sort. An effort will be made here to avoid any such manipulation, which would be fatal to any pretense of objectivity; we may, indeed, confess to a very special effort in this regard, since when a Jesuit talks about the Society of Jesus, he must make just such an endeavor to preserve his historical poise. Quite the same thing is true, it may be said, of the efforts of a Kiwanis or Rotarian chieftain bent on explaining some details of their respective organizations!

### *Religious Background*

A preliminary word as to Parkman's "religious" background; the word is put in quotation since such a background is nebulous in the extreme. This is true despite the fact that Francis Parkman's ancestry was over-

whelmingly clerical, a fact which may possibly explain his anti-clericalism! This much is certain: in his mature life, he discarded the Unitarianism of his father together with the Puritanism of his earlier forebears; he seems to have replaced this "credo" with a kind of rationalism not entirely unmixed with a vague species of religiosity. Parkman was not anti-religious, but he was quite definitely anti-clerical all his long life, and this despite the fact that he was friendly, to a degree at least, with some priests and ministers of his day. That he could rise at least partially above his prejudices against what he called the "papal creed" is shown in this quotation, which is taken from a diary entry which he indited at Messina in his student days while making the customary grand tour of the continent.

The church of the Benedictines is the noblest edifice I have seen. This and others not unlike it have impressed me with new ideas of the Catholic religion. Not exactly; for I revered it before as the religion of generations of brave and great men—but now I honor it for itself. They are mistaken who sneer at its ceremonies as a mere mechanical farce: they have a powerful and salutary effect upon the mind. Those who have witnessed the ceremonies in this Benedictine church, and deny what I say, must either be singularly stupid and insensible by nature or rendered so by prejudice.<sup>2</sup> Despite this thoughtful and incisive tribute, Parkman makes it abundantly clear that he does not like clergymen! For his Messina observations also included the comment that the local priests stood out as fat and good-looking men among the "dregs of humanity" from whom "they draw life and sustenance—just as tall pigweed flourishes on a dunghill!" Other examples of such a low opinion of clerics could be adduced; the point stressed here, though, is the fact that before Parkman started to write the *Jesuits*—or, for that matter, any other of his volumes,—he did not care for clergymen. As many another before and since, he either could not or would not understand them! Full praise he must and would give to the achievements of those priests who had done so much to make New France flourish; Parkman was too much of an historian to pass over the merits and virtues of such outstanding priests as John Brébeuf, Isaac Jogues and a host of others. But the reader notes, sometimes with a smile and sometimes with irritation, that Parkman makes an almost indecent haste in the speed with which he informs his readers that, in dealing with the missionaries, one "may throw off trash and nonsense by the cartload (seemingly all is 'trash' that is beyond the Bostonian's ken) and under it find a solid nucleus of saint and hero."

In the volume under immediate discussion, Parkman finds it imperative to preface a chapter of comment on the "*Foundation of the Jesuits—Preparation of the Novice—Characteristics of the Order, etc.*" Here there is evidence of that dim groping after truth which has characterized the efforts of many another person engaged in writing about the mysterious regiment. Parkman undoubtedly wished to tell the truth about the Jesuit

<sup>1</sup> Letter of Nov. 28, 1884, quoted in Mason Wade's: *Francis Parkman, Heroic Historian*, pp. 429-430.

<sup>2</sup> Quoted in Wade, *op. cit.*, p. 103.

code and organization and spirit. The fact remains, though, that had he engaged in serious conversation for a while with some member of the Society of Jesus before pontificating on the subject, he could have found out much more accurate information, and avoided as well some laughable distortions of fact and interpretation. After all, the Jesuits were in Boston at the time of this writing; after all, too, Parkman took legitimate pride in the thought that he was no mere armchair historian. Had he not 'hit the trail' himself—and this many times—before putting pen to paper to describe the exploits of the French in the New World? Yet there is no evidence that this scholar who, according to Bancroft, "had just about everything that goes to make an historian", so much as knocked at the door of the local Jesuit establishment and there confronted a real, live Jesuit with a few well selected questions about his order. It really would have been quite a simple process. Failing in this regard, he could have obtained an answer to his queries by addressing himself by letter to the local Jesuit superior; finally, he could have obtained a copy of the Constitutions of the Society of Jesus—his beloved Harvard Library has a copy now and, even if it were unavailable in Parkman's day, one who manifested "such persistency in collecting materials" in many an archive and on the trail could have uncovered some such copy from friend or foe. Yet there is no evidence that such was Francis Parkman's approach.

#### *Jesuit Obedience*

It should be stated at once that, in discussing Jesuit obedience, he does make occasional reference to the celebrated letter of Loyola on the subject—this letter Jesuits the world over have read to them once each month as they take their principal meal—but Parkman is here guilty of an abyssmal lack of understanding, coupled with an uncompromising distortion of fact. For the Jesuit, or at least so we are told by Francis Parkman, "has no limit set to his submission; if the Superior pronounces black to be white, he is bound in conscience to acquiesce."<sup>3</sup> This interpretation of course—in the literal and hard-bitten sense indicated by the author—is sheer nonsense, and would provide nothing less than a short cut to intellectual suicide. Here is a better, more accurate statement of the true Jesuit position on this central point of the Order's obedience which, need we say it, is a real, sometimes difficult and lifelong virtue: "So universal and entire is to be the obedience of the Jesuit to his legitimate superior that, if the superior pronounces black to be white (note the "if", because Ignatius is here stating his proposition in the most extreme form) the subject is bound to act as if the blackness in front of him was indeed whiteness." This is simply to say that, since no rational person can force his intellect to make truth out of a palpable error, if a thing is patently and obviously black, my intellect cannot acquiesce to the enunciated proposition that it is white; what I can do and the process is not unreasonable to one who has freely and in the absence of all duress made a vow of obedience out of love for God,—is to leave all responsibility for the

mistaken judgment to my superior, and act as though the object in front of me were indeed white. And if one recoils from this example, the point may be made clearer, perhaps, by the following illustration. (I belabour the point since it is very frequently misunderstood; in fact, it is practically never grasped by historians of the Parkman mentality.)

Let us suppose that my Jesuit superior tells me to do a certain thing right now—"because today is Sunday." I happen to possess quite accurate knowledge that today is not Sunday but Tuesday; hence the reason given is not correct; according to Parkman, the Jesuit must "acquiesce in conscience" to the affirmation of his superior that this is indeed Sunday. Now this is arrant nonsense, since the Jesuit has been endowed by God with an intellect seeking truth, just as has Francis Parkman. What then must the Jesuit do? He first courteously and humbly reminds his superior, in case a human error caused by forgetfulness has been made (superiors are just as human as their subjects!) that the day is really Tuesday. If (and the supposition would be terribly far-fetched, indeed) if the superior should insist that the day under discussion were Sunday, the Jesuit should go ahead and do what is demanded of him provided that it is humanly possible and provided that, as Ignatius adds with such finality, "no sin is involved." Why should he do this? Simply because he has vowed to submit his will to his legitimate superior when that functionary exercises his legitimate authority over his subject in matters which involve no sin. The Jesuit, in the case set out above, would not obey under the delusion that the day was indeed Sunday but simply because the order is capable of execution without any sin on his part, and because, as we have said, he has vowed to do the will of his proper superior. This all seems quite simple to the mature Jesuit. Small wonder then that he is annoyed and irritated at the historical canards put forth by Parkman and a host of others on this point. Perhaps Parkman should have taken that trip to the Boston Jesuit house and found out the truth about Jesuit obedience! Then, indeed, he might have more truly deserved Bancroft's eulogium; fulsome though it is.

It would be absurdly easy to point out similar errors in Parkman's treatment of the famed Spiritual Exercises of Ignatius Loyola; not true, indeed, is it to say that the Jesuit novice "day after day and night after night ponders its images of perdition and despair!"<sup>4</sup> Lurid language—but silly. For, in the customary thirty day retreat made twice during the lifetime of a Jesuit, no more than one day at the most is spent in the consideration of the doctrinal assertion that eternal punishment is the lot of those who die enemies of God. By far the greater portion of the days of these spiritual exercises are spent in the consideration of the life and death of Christ. This fact, once more, Parkman could have found out by asking a Jesuit!

One could multiply other evidences of the learned Parkman's ignorance; learned he was, undoubtedly, in the general field of his studies and researches; ignorant

<sup>3</sup> *The Jesuits in North America in the Seventeenth Century*, p. 10,

<sup>4</sup> *The Jesuits*, op. cit.

he was, and this abysmally so, in the knowledge of the inner spirit and meaning of Jesuitism.

The Abbé Casgrain was a Canadian secular priest who, perhaps because he was a noted scholar in his own right, was a good friend of Francis Parkman. In an essay on the latter in his *Biographies Canadiennes*, after giving Parkman deserved credit for the completion of a truly monumental and necessary historical work, the abbé reflects as follows:

The work of Mr. Parkman is the negation of all religious belief. The author rejects the Protestant idea as well as Catholic dogma; he is purely rationalist. He admits no other principle but the vague theory that is called modern civilization. One glimpses a righteous soul, born for the truth, but lost without compass on an ocean without shores. Hence these aspirations towards the truth, these brilliant avowals, this homage to the truth, followed, alas, by strange declines, by outbursts of astounding fanaticism.<sup>5</sup>

In the main, at least, this seems to be a fair summation of Francis Parkman viewed from the religious side. It is hardly to be wondered at, then, that this otherwise reputable historian was at sea when he treated of the Church and the Jesuit Order as institutions. With regard to the latter Parkman is far from fair to the Order which gave to New France some great men whose exploits Parkman dutifully praises. His ignorance of the inner spirit of these men is colossal; his attempt to analyze that spirit is not an historical portrait—it is a caricature.

<sup>5</sup> Quoted in Wade, *op. cit.*, p. 405.

## Security Council

(Continued from page fifty-four)

unsettled problems of Dumbarton Oaks upon their agenda. Primary was the settlement of the voting procedure in the Security Council. A solution was reached, subsequently known as the Yalta voting formula, but no immediate announcement was made. The Yalta arrangement came out piece-meal at various conferences and announcements. As finally made known, the Yalta voting formula compromised on the question of unanimity. It made a distinction between two types of questions on which the Security Council would vote: procedural and substantive. In matters of procedure, decisions were to be reached by an affirmative vote of any seven members, whether permanent or non-permanent. The number seven, one more than majority, was chosen to prevent the six non-permanent members from adopting a matter against the wishes of the permanent five. In matters of procedure, therefore, at least one of the permanent members had to vote in the affirmative.

On all other questions—the so-called substantive matters—decisions were to be made by the affirmative vote of seven members, including all the permanent members. If one of the 'Big Five' failed to vote, a decision could not be reached. This power of one of the 'Big Five' to block a decision by declining to vote or by voting negatively came to be known as the veto power of the 'Big Five'.

However, the Yalta formula tried to limit the principle of unanimity as originally posited by the Soviet Union which had demanded veto power not only over application of force but also over the admission and discus-

sion of disputes. At Yalta it was decided that a great power accused of threatening the peace had no right to prevent submission of the dispute for consideration by the Security Council. Nevertheless, although discussion could not be prevented by a major power, action to implement the discussion was to remain subject to the veto power. Thus the principle of a unanimous vote of all permanent members to impose sanctions or force was retained, even though one of the permanent members might be concerned. It was hoped at Yalta that public discussion of a dispute would encourage methods of settlement short of war and that the final vote for sanctions or force could be avoided.

Since the end of the war was in sight at the time of the Yalta Conference, the 'Big Three' decided that the time had come to bring into existence the international organization for peace and security. They announced, therefore, that the representatives of all nations who had taken part in the war against the Axis should meet at San Francisco on April 25, 1945, to prepare a charter based on the proposals of the Dumbarton Oaks Conference.

While preparations were being made for the meeting in San Francisco and while invitations were being sent to nations eligible for attendance, another conference took place, which, although not directly joined to the international organization, was bound to have an influence upon it. From February 21 to March 8, 1945, all members of the Pan-American Union, with the exception of Argentina, met in Mexico City. The twenty nations considered the post-war problems of the Western Hemisphere and by the Act of Chapultepec proclaimed their determination to maintain their solidarity against any threat or act of aggression against any one of them.

The Mexico City Conference also gave weighty consideration to the Dumbarton Oaks proposals for establishing the international organization and it soon became evident that the proposals did not meet with their approval. Giving voice to the objections which had arisen from all quarters of the world as soon as the Dumbarton Oaks proposals had been published, the Latin American nations declared that the proposals left much to be desired in the way of adequate guarantees and greater representation for the small nations. A sixty page document was drawn up to set forth the various objections and offering suggestions for changes and additions to the proposed charter. Basically, the small nations objected to the plenitude of power granted to the Security Council which was dominated by the Big Five. The document proposed that the General Assembly should be given greater powers and that it should have the right to review the decisions of the Security Council. The Assembly should also be empowered to admit new members either on its own initiative or by recommendation of the Security Council. Demands were also made for the increase in membership of the Security Council, either by giving one Latin American country a permanent seat or by enlarging the number of non-permanent members.

The Mexico City Conference also paved the way for one of the stormiest sessions in the coming San Francisco meeting. It invited Argentina, whose government had

not been recognized by the United States or the Latin American countries following the coup d'état of Farrell and his colonels, to join the Conference. Argentina was invited on condition that she adhere to the Act of Chapultepec and that she declare war on the Axis powers.

On April 25, 1945, representatives from fifty nations gathered at San Francisco to draft a charter for the international organization on the basis of the Dumbarton Oaks proposals. It was quickly evident that the wartime marriage of the West with Russia was entering upon a more difficult and a more realistic basis. To the Russians the determination of the United States and of the Latin American countries to admit Argentina seemed to be appeasement of a Fascist government. Many stormy sessions followed before the Assembly voted in favor of Argentina's admission. Then into the midst of the Conference was hurled the bombshell of the arrest by Russia of sixteen Polish leaders who had been invited to Moscow to participate in the formation of a new Polish government according to the principle laid down by the Yalta Conference.

The question mark of Soviet Russia's attitude and position in the post-war world hovered over all deliberations. On the one hand the Soviet Union was at the height of her popularity because her armed forces had contributed so mightily to the surrender of Germany, which occurred during the deliberations at San Francisco. On the other hand, Russia was already manifesting disturbing expansionist aspirations in Europe and Asia.

#### *Troubles at San Francisco*

Much of the initial tension between Russia and the other great powers was due to mutual differences concerning the nature of world security. Both sides differed as to how this security could be achieved. In his speech opening the Conference, President Truman (President Roosevelt had died on April 12) stressed the responsibility of the great powers not to use force except in defense of law. Great powers, he emphasized, must serve, not dominate, small nations. This principle was supported by Great Britain and China. The Russian representative, M. Molotov, however, presented a different purpose for the projected organization. He stressed the effective authority of the international organization rather than its responsibility. Pointing out the incapacity of the League of Nations to prevent World War II, he proclaimed the need of giving the new organization adequate military force that could be used promptly against an aggressor. Basically, Russia's attitude was that the great powers which had borne the burdens of war should be the ones to steer the world in the post-war period. Hence, the new organization should revolve around the 'Big Five' which should act unanimously in all matters.

Weeks of debate and hard work followed and finally the Charter was presented for approval to the delegates. The provisions of the Charter were essentially the same as proposed by the Dumbarton Oaks Conference. The United Nations remained primarily a coalition of great powers which assumed responsibility for the maintenance of world security and which claimed authority sufficient to discharge this responsibility. This great power coalition was embedded in the structure of the Security Council.

The composition of the Security Council did not pass without much debate at the San Francisco Conference. Numerous efforts were made by the smaller powers to enlarge the membership but without success. As finally organized, the Council was to be able to function continuously and was to meet from time to time as the occasion might require. The Charter also strengthened the proposals of Dumbarton Oaks concerning the enforcement machinery. Originally members were to make agreements among themselves as to what arms were to be used. Now the agreements were to be negotiated between the Security Council and the members. In addition, member states were to grant rights of passage through their territories when necessary. However, Article 44 states that before calling upon a member state not represented in the Security Council to provide armed forces, the Council should invite the member to participate in the decision of the Council concerning the use of that state's armed forces.

Without doubt the most difficult problem that had to be settled by the writers of the Charter was the provision concerning the voting procedure in the Security Council. Despite the Yalta voting formula, the debate began anew over what matters should be subject to the veto. Soviet Russia insisted that the 'Big Five' should have the right to veto not only investigations of any dispute and the decision to take enforcement action with regard to it, but also discussion at any stage. There was immediate opposition from the United States and Great Britain, but especially from the middle and small nations, the 'Little 45' under the leadership of Dr. Evatt of Australia. They maintained that Russia's proposal was opposed to the democratic principle of free discussion and vigorously protested the veto over the discussion of any dispute. In answer, Russia asserted that the Security Council was an instrument to carry out the decisions of the 'Big Five', not an organ for discussion. The Russian delegate urged his fellow-delegates to trust the great powers who would not abuse the veto power and would use it sparingly.

The United States delegation, mindful that the Charter had to be ratified by the United States Senate which might not approve of an organization in which the United States might be compelled to use arms against her wishes, was as anxious as Russia to retain the veto on enforcement measures. However, in accord with Great Britain the United States was in favor of free discussion on matters threatening the maintenance of international peace and security. After a deadlock which threatened to break up the Conference, Marshal Stalin instructed the Russian delegation to abandon the veto over discussion. Hence Article 27 of the Charter provides that a party to a dispute shall abstain from voting on decisions of peaceful settlement. However, in case of enforcement action the unanimity of all permanent members is required, even if one of the permanent members is party to the dispute.

The smaller nations also made several attempts to limit the power of the Security Council. They succeeded in transforming the General Assembly from the role of a rubber-stamp into a world forum for the discussion of any question or matter within the scope of the Charter. The Assembly received the right to call

to the attention of the Security Council any dispute likely to endanger international peace and security. However, it could not make any recommendations unless the Council specifically requested them. Moreover, close cooperation is provided between the Assembly and the Council. Whereas the Dumbarton Oaks proposals had envisaged the Security Council as an authoritarian, independent organ, dominated by the 'Big Five', with no responsibility to the Assembly, the San Francisco Charter gave the Assembly the power to act as a check on the Council. Thus the Council must submit an annual report to the Assembly, and the Assembly has the right to reopen discussion of matters affecting international peace and security if the Council ceases to deal with the matter. The Assembly, however, cannot take up a matter still under discussion in the Security Council nor can it override its decisions.

The publication of the San Francisco Charter was received with mixed reactions. Although in certain quarters it aroused hopes for future peace, it more universally provoked comment and criticism inasmuch as the San Francisco Conference had not given attention to all of the objections offered to the Dumbarton Oaks proposals. The basic objection was that the Security Council, as organized, was meant to act only against small powers. It cannot prevent war if one of the permanent members is involved, for any of the 'Big Five' can veto action against itself. Another criticism was that the present world organization was formed to prevent the last war. If Germany or Japan should again become militaristic and aggressive, the United Nations are perfectly equipped to act for the prevention of war; if trouble should come from another source, the Security Council is powerless to act. A third objection was that each delegate acts as a representative of his country's foreign policy, rather than in the interests of the international organization. The first year of the Security Council's history has given added weight to this criticism, for the Council proceedings often served as propaganda sounding boards or as an implementation of a country's foreign policy.

#### *Functions of Security Council*

As envisaged by the San Francisco Conference and as it is to-day, the Security Council has a double function, that of peacemaker and that of policeman. As a peacemaker it tries by every possible method to prevent a dispute from developing into a violent conflict; as a policeman it is empowered to use every available weapon to curb the lawbreaker. The three stages of action to be taken by the Council in a dispute—peaceful settlement, non-military sanctions and military sanctions—were incorporated into the Charter from the Dumbarton Oaks proposals. The Council must exhaust all possible avenues of settlement by non-forceful means before proceeding to sanctions and the use of armed forces.

Although the functions of peacemaker and policeman are the main functions of the Security Council, it has, as the dominant organ of the United Nations, been entrusted with various other duties and responsibilities. An important function is that of considering applications for membership in the United Nations. Such applications, when approved, are then forwarded to the General

Assembly with a recommendation for admittance. Conversely, the Council can recommend to the Assembly the suspension of rights and privileges of membership, or it can recommend the total suspension of any member.

By a majority vote of its members, the Council can request a special session of the Assembly. Upon the Council's recommendation the Assembly appoints a Secretary-General who is the chief administrative officer of the organization. In the event of a proposed amendment to the Charter, all permanent members of the Council must concur, plus two-thirds of the Assembly. This latter power of the Council assumed prominence during the General Assembly meeting in Flushing Meadows in New York City, October-December, 1946, when the small powers voiced demands for an amendment to limit the veto power of the 'Big Five' in the Council. The demands never reached the stage of a formal proposal for it became evident that Russia, and to a lesser degree the United States, was opposed to the limitation of the voting procedure in the Council.

The Council also plays a prominent part in the election of members for the International Court of Justice. After the Secretary-General has prepared a list of candidates, the list is submitted to the General Assembly and to the Council, both of which vote independently to elect the members. The candidates obtaining the majority of votes in both organs are thus elected. The Council is likewise charged with determining the conditions upon which states which are non-members of the United Nations may become members of the International Court of Justice.

Finally, the Security Council maintains supervision over the various regional arrangements or agencies. No enforcement action can be undertaken by regional blocs without the authorization of the Council, except in self-defense.

It is thus evident that the Security Council is the back-bone of the United Nations. It is not only charged with the execution of the main purpose of the world organization, that is, the preservation of peace and security, but also very little can be done within the framework of the organization without the recommendation or approval of the Security Council.

The Council has now been in operation for over a year. The practical application of the provisions of the San Francisco Charter has resulted in certain modifications of the original meaning. Most obvious is the current interpretation of the veto power of the permanent members. According to the Charter all permanent members must concur in a decision on substantive matters. However, due to the relatively frequent use of the veto by Soviet Russia a strong demand arose for the limitation of the veto power. Although no definite action was taken by the General Assembly in this direction, nevertheless the indignation resulted in an unofficial modification of the Charter. Now a permanent member may abstain from voting and the abstention is not construed as a veto.

The first year of operation often seemed to justify the original criticisms against the Security Council and the United Nations in general. It is yet too early, however, to pass adverse judgment upon the worth of the Security Council. Many imperfections exist, due

mainly to basic differences among the members, but the organization is as yet in its infancy. Many of the provisions of the Charter have not yet been put into operation, most notably that provision establishing an international police force for use by the Council. Although attendance at a Council meeting is often a discouraging experience, nevertheless seemingly endless wrangling over minute points of procedure often serve to set a precedent for future action. The Charter is drafted in rather general terms and interpretations are often needed in applying provisions to specific cases.

The decisions of the Security Council in the first year of operation indicate that the Council is capable of coping with matters which might lead to a threat to peace. Although no major cases have yet been considered, in the Iranian case the Council upheld the principle that small nations have a right to be heard, even against one of the permanent members. Nor did it deviate from this principle when defied by one of the 'Big Five' in the famous 'walk' by the Russian delegate Gromyko.

Despite its many imperfections the Security Council has been organized for a definite purpose—to preserve peace. Until some better scheme is evolved, the United Nations and the Security Council must perforce remain as the main hope of mankind for preventing a Third World War.

## Kino

(Continued from page fifty-six)

throughout the area by the more easily digestable *tortilla* made of wheat flour. Sonora was no farmer's paradise, but its soil was generally more fertile and productive than that in other sectors along the Western Slope. Kino took fullest advantage of this fact.

There is no point in continuing the catalogue of by-products of a material nature which Kino's missionary effort of a quarter-century left among the Pima, the Papago, the Yuma, and the other tribes with whom he labored. He was, as we have said, a type of the Catholic missionary in the Americas, whose extra-apostolic services to culture and civilization have been numerous.

### *Re-evaluation of Missionary Work*

In view of this fact I wonder if it is out of place to emphasize the need for a reconsideration of the Catholic mission history of the Americas? Some thirty years ago Bolton of California wrote his enlightened and enlightening essay, "The Mission as a Frontier Institution in the Spanish-American Colonies."<sup>3</sup> It was a novel approach and during the past decades has borne abundant fruit in the many studies which it has inspired.<sup>4</sup> Like consideration should be given the missionary work of the French and the Portuguese. The few priests in the English colonies had little opportunity to exercise their apostolic ministry in favor of the native Americans;

<sup>3</sup> Published originally in the *American Historical Review*, XXIII (October, 1917), 42-61; reprinted in *Wider Horizons of American History*.

<sup>4</sup> Notice of some of these studies of Bolton's pupils will be found in *Greater America: Essays in Honor of Herbert Eugene Bolton*, bibliographical section.

hence, their achievements are limited and relatively unimportant.

The services of the missionary orders in the Americas were not always limited to the category of those rendered to the native Americans, though these last were generally the great beneficiaries. The Spanish missionaries and those from other nations who worked in the Spanish overseas empire rendered their most signal services to the Indians. Finding them in the stone age, or at best, but slightly advanced in the practical use of metals, the padres and the frailes, along with Christianity, put the Americans in contact with and taught them the uses of much of Old World culture—iron, the wheel, the principle of the arch for their buildings, domestic animals and the secrets of stock-breeding, seeds and plants and trees which contributed to the Indian food supply, new arts and crafts, along with new techniques to better old ones. More than that, the missionaries brought them a religion which raised them from a natural plane and endowed them with a consciousness of their human dignity and fought consistently and strenuously to have the conquerors respect that dignity. If the American Indian survives today in large sections of the Latin Americas, as full-blood or mixed breed and as an integral part of his nation's life, it is in large measure due to the missionaries who lived and toiled and died for him. The work of the padre and the fraile among fellow Spaniards should not be overlooked, for it took many forms—the preservation and elevation of the moral standards of the colonists; care for their religious life by preaching, spiritual ministrations, and example; also important contributions in the fields of education, art, letters, and scholarship. The Catholic culture foundation of Latin America bears many marks of the missionary's making.

In Brazil the missionaries rendered much the same services to Indians and fellow white men as did their brethren in the Spanish overseas empire. The Jesuits came out in 1549 with Thomé da Souza and were influential until the time of their expulsion from Portuguese dominions shortly after the middle of the eighteenth century. Brazilian historians rank them among the "founders" of the nation, and more than one city hails a Black Robe as its founder. The city of São Paulo so honors Padre José de Anchieta. The Brazilian Jesuits with their system of *aldeas* perfected the idea of the "reduction," employed so effectively by their brethren in Paraguay.

The success of the French missionaries—Recollects, Jesuits, Sulpicians, Seminary Priests—was not so notable with their Indians as was that of the Spaniards. This was not due to a lack of devotion, zeal, or self-sacrifice on the part of the missionaries—even a cursory study of the record will substantiate this statement. Paucity and poverty of results were rather attributable to a combination of things, the character of the Indians and the net of international rivalries and complications in which the red men were involved. The natives of Canada, the region of the Great Lakes, and the Mississippi Valley, with whom the French worked, were at best semi-nomadic in their culture and habits. They did know something of agriculture but practiced it only to a slight degree, subordinating effort in the fields to hunting or fishing as a means of assuring their livelihood.

It was almost impossible to reduce them to village life, something which experience has almost everywhere shown to be a prerequisite to large-scale success in the Christianization and civilization of a people of primitive character. The Jesuits sought in Huronia to reproduce the Reductions of Paraguay, but the missions along Georgian Bay never really had a chance to prove themselves. The same might be said of the missions of the Seminary Priests and the Jesuits in the Illinois Country. The white man was moving westward and drove the Indians before him long before the missionaries had time to influence the lives of their neophytes with any degree of permanency. And yet withal the passage of the missionary did raise these poor children of forest and plain to a higher level than they might ever have attained by their own efforts.

Not nearly so glamorous but, in the long run and by the test of time, far more solid was the work of the French priests and religious among their fellow French. They planted in New France a brand of sturdy Catholicism which succeeding years have often shown to be of finer quality and more permanent character than that of the mother-country. The heathen's conversion need not be the only measure of missionary accomplishment. In a young country which colonization is opening up, the white man himself can become as much a pagan as the poor ignorant natives, and betimes a worse one. To have grounded the Faith among the conquerors merits its meed of praise and honor. French missionary enterprise might well be evaluated or, perhaps, re-evaluated according to this standard.

#### *Contributions to Science*

Another important aspect of the work of the Catholic missionaries of the Americas, often overlooked, is their contributions to the store of human knowledge, particularly in the broad field of the so-called social sciences. Modern anthropologists and ethnologists are immeasurably indebted—and the debt is, as a rule, loyally recognized—to the missionaries for valuable accounts concerning the life, customs, habits, ideas, and institutions of the American aborigines. Recall the works of men like Bernardo Sahagún, Toribio Motolinia, Gerónimo de Mendieta for Indian Mexico; Pablo José de Arriaga, Antonio de la Calancha, Fernando Montesinos for Peru; Alonso de Ovalle for Chile; Nicholás del Techo and Antonio Ruíz de Montoya for Paraguay; José Gumilla for the Orinoco country. The *Jesuit Relations* have become such a familiar handbook for scholars interested in the Indians of Canada and the "northern woodland culture area" that it is practically unnecessary to mention those writings in this connection.

As grammarians and lexicographers the contributions of the missionaries are of inestimable value. The same might be said of contributions to the geographical knowledge of the Western Hemisphere in the sixteenth and seventeenth centuries. We have already called specific attention to Kino in this role. But his maps and the record of his travels are but a small part of a much vaster collection. As naturalists, Humboldt and Condamine and Darwin had worthy predecessors in men like José de Acosta or Bernabé Cobo. Finally, there is no need to emphasize the contributions of the mission-

aries to science and knowledge in the role of historians. From Las Casas down they furnished a large mass of the materials for later writers. While it might not be impossible to reconstruct the history of the colonial centuries in the Americas, it would still be very difficult to do so without the accounts of the missionaries. For example, Kino's *Favores Celestiales* is one of our best sources for the history of the Sonora country in the quarter-century from 1687 to 1711.

To close with what has been the theme of this short study: Apostles first, but much more than that for Both Majesties, for Christianity and civilization.

## Irish Antecedents

(Continued from page fifty-two)

Richard Bellings, a member of the Irish House of Commons in 1641 and an historian of the Irish Rebellion, stated that "the most pregnant" reason for the war was "the design of the Parliament in England wholly to suppress the exercise of the Catholic religion" in Ireland.<sup>13</sup> The author of the *Aphoristical Discovery*, another contemporary writer, repeats the same idea. The prorogation of the Irish Parliament was one of the main causes of the "subsequent distempers" in Ireland, because "by this and many other circumstances" the Irish Government's "intent was fully known to be the same with the Parliament of England; and withall that it was blazed abroad by the best note of Protestants that all Ireland by that time twelve month must either go to church, be executed, or endure banishment or exile."<sup>14</sup>

The insurgents continued to protest their loyalty to the King even after his proclamation of rebellion in 1642 and insisted that they were defending his prerogative as well as their religion. They not only expressed their fear of the English Puritan Parliament but vigorously denied that it had any authority to bind Ireland.

When news of the Irish Rebellion reached the English Parliament in November, 1641 the Parliamentary leaders decided to make the rebels pay for their own suppression. A group of Puritan adventurers offered to raise a fund of a million pounds in exchange for two and a half million acres of Irish land. This rapacious proposal became law as the Act of Adventurers in March, 1642. The King acknowledged that he gave his assent "without taking time to examine whether this course may not retard the reduction of that kingdom by exasperating the rebels." The King was right. The Act of Adventurers fanned the flame of Irish resistance to Parliamentary omnipotence. No authentic precedent, the insurgents alleged, could be adduced to prove that statutes made

<sup>12</sup> Historical Manuscripts Commission, *Eighth Report* (London, 1881), p. 572sqq; Fitzpatrick, T., *The Bloody Bridge and other Papers Relating to the Insurrection of 1641* (Dublin, 1903); Cox, R., *Hibernia Anglicana* (London, 1689), II, p. 65; Carte, T., *History of the Life of James Duke of Ormond* (Oxford, 1851), I, p. 308.

<sup>13</sup> Bellings, *op. cit.*, I, p. 15.

<sup>14</sup> *Aphoristical Discovery of Treasonable Faction or a Contemporary History of Affairs in Ireland from 1641-52 with an Appendix of Original Letters and Documents*, edited by John T. Gilbert (Dublin, 1875), I, p. 12.

in England were accepted as binding in Ireland unless with the assent of the Irish Parliament.<sup>15</sup>

### Darcy and The Catholic Confederacy

At a general assembly of the elected representatives of the Catholic insurgents at Kilkenny October 24, 1642, in effect a national Catholic Parliament, the Catholic Confederacy of Ireland was established. The Catholic members of the Irish Parliament had already been expelled by the rump Parliament at Dublin and most of them joined the Confederacy.<sup>16</sup> The Protestant government at Dublin was now faced by a Catholic government at Kilkenny. The Catholic Confederacy was not a confederacy in the classical sense but rather a system of government based upon an alliance of the Old Irish and Anglo-Irish Catholics who up till then had stood politically and socially apart.

Patrick Darcy drew up a *Model of Civil Government*, the first national written constitution of modern times. The Assembly ratified it and promulgated a declaration of independence saving the allegiance of the Confederate Catholics to the Crown. It is interesting to note that the Confederate Constitution was, like the later American and French Constitutions, the result of revolutionary activity. Its originality and breadth of vision is remarkable. It provided for a cabinet or Supreme Council elected by a unicameral legislature and individually and collectively responsible to it. McIlwain hails Darcy's masterful attack on the imperial authority of the English Parliament as a greater contribution to American constitutional ideas than Montesquieu's *De L'Esprit des Lois*.<sup>18</sup> Had McIlwain been acquainted with Darcy's *Model* he would have been amazed at the novelty of its provision for ministerial responsibility to the majority party in Parliament at a time when the English parliament leaders were reviving the inadequate process of impeachment. Indeed, the cabinet system of responsible government was misunderstood in England until the time of the younger Pitt. Doubtless McIlwain would have noticed too that the Darcy innovation made for a government more responsive to public opinion than the presidential system provided for in the American Constitution.

On March 17, 1643 agents appointed by the Confederates presented to the King's Commissioners at Trim a *Remonstrance of Grievances*, and on March 28, 1644 they were received by the King at Oxford where they submitted an even more elaborate statement of their claims.<sup>19</sup> In each document they objected to "the encroachment of the English Parliament upon that of Ireland and to the declaration 'that Ireland was bound by Statutes made in England, if named, contrary to the known Truth, and the Laws settled here for 400 years.'" They complained:

<sup>15</sup> Dunlop, R., *Ireland under the Commonwealth* (Manchester, 1913), I, p. cxx. Gardiner, S. R., *History of England from the Accession of James I to the Outbreak of the Civil War* (new edition, London, 1899), X, p. 173.

<sup>16</sup> Historical Manuscripts Commission, *Calendar of the Manuscripts of the Marquess of Ormond*, New Series, II, p. 90.

<sup>17</sup> For the *Model of Civil Government* and the *Declaration of Independence* see Bellings, *op. cit.*, II, pp. 73sqq.

<sup>18</sup> McIlwain, *op. cit.*, pp. 35-6.

<sup>19</sup> Rushworth, J., *Historical Collections* (1618-1649) (London, 1721), Part III, Vol. I, pp. 417sqq; Bellings, *op. cit.*, II, pp. 226sqq.

That whereas Ireland has a Parliament of its own, and no Statute made in England ought to bind in Ireland, unless there established by Parliament; yet by several late Acts, your Majesty's Subjects unsummoned, unheard, were declared Rebels, and two millions and a half of Acres of their Lands sold to Undertakers: which Acts they conceive to have been forced upon your Majesty because unjust and destructive, the Scope seeming to aim at Rebels only, and the disposition of a certain quantity of Land, but in effect and substance, all the Lands in the Kingdom may thereby be distributed. By colors whereof the Forces sent hither Disavow Authority from your Majesty, but depend upon the Parliament of England.

They demanded:

That an Act shall be passed in the next Parliament, declaratory that the Parliament of Ireland is a free Parliament of itself, independent of, and not subordinate to, the Parliament of England; and that the subjects of Ireland are immediately subject to your Majesty as in right of your Crown; and that the members of the said Parliament of Ireland, and all the other subjects of Ireland are independent, and no way to be ordered or concluded by the Parliament of England.

When the Dublin Protestants learned that the Confederate agents were at Oxford they dispatched a delegation to present a vastly different set of demands. But they were careful not to deny the constitutional claim of the Confederates. The claim, they asserted, concerned "the *Protestants of Ireland* as much as the *Papists*," but "might more fitly have been disputed in Civil Assemblies than by arms."<sup>20</sup> This was an admission of the Confederate position. Even the Protestant Irish House of Lords in protesting their abhorrence of the Rebellion in November, 1641 promised to suppress it only "by the Authority of the Irish Parliament" with the approbation of the King.<sup>21</sup>

Of all the demands advanced by the Irish Confederates not one received so much attention as this. It appeared in all their remonstrances and in correspondence meant for foreign consumption. In a Confederate manifesto printed at Lille in January, 1643 it is stated thus:

*Enfin, nous demandons humblement, que ces articles soient . . . distinctement confirmés par sa Majesté, et par notre Parlement d'Hibernie, ne reconnaissant aucune subjection ou subordination à aucun autre Parlement, soit d'Angleterre, soit d'Ecosse, comme L'Ecosse ne reconnoit point celuy d'Angleterre, ains seulement à sa Majesté, à son Conseil privé, et à notre Parlement procédant juridiquement et selon nos coutumes, et enfin, à nos Conseils d'Hibernie.*<sup>22</sup>

All this tends to show that throughout the protracted negotiations of these years, the Confederates never lost sight of the question of legislative independence. That they did not lack precedent for their oft-repeated demand, Patrick Darcy's able defense of their contention in his *Argument of July, 1641* is eloquent proof.

### Anonymous "Declaration"

In April, 1644 while negotiations were in progress between the King and the Confederate agents, the most elaborate study of the question up to that time appeared in the form of an anonymous book in manuscript, *A Declaration setting forth How, and by what Means, the Laws and Statutes of England, from time to time, came to be of Force in Ireland*.

It was answered by Samuel Mayart, an English adventurer and a Justice of the Court of Common Pleas of Ireland. Both the *Declaration* and Mayart's *Answer* were published in 1750 by Walter Harris in his *Hibernica*. The Trinity College manuscript of the *Declaration*,

<sup>20</sup> Rushworth, *op.cit.*, Part III, Vol. I, pp. 420sqq.

<sup>21</sup> Nalson, *op.cit.*, II, p. 398.

<sup>22</sup> Bellings, *op. cit.*, III, pp. 336sqq.

which was used by Harris, bore the name of Sir Richard Bolton, Lord Chancellor of Ireland, as the author, but because of the strong similarity of the work to Patrick Darcy's *Argument of 1641*, Harris believed it was from Darcy's Pen.<sup>23</sup>

The author of the *Declaration* appealed to precedent, fundamental law and reason, to show that Ireland was a free and separate Kingdom from England, acknowledging allegiance only to the King. The English Parliament in England had no more jurisdiction in Ireland than it had in Scotland, for it was against law or common reason that one body politic should be subordinate or subject to the control of the other.

The conquest of Ireland by Henry II did not have the effect of annexing or subordinating Ireland to the Kingdom of England, and even if it did, Ireland would have been separated by the fact that the King later granted it to his son John as an independent Kingdom.

An important difficulty lay in the way of the author's thesis. Several statutes passed before 1640 by the English Parliament had been accepted and enforced in Ireland, and not always by express mention of Ireland. The author rebutted this difficulty by drawing a distinction between *declaratory* and *introductory* Acts of Parliament. The former pertained to the judicial authority of the English Parliament and as mere declarations of the common law were in force in Ireland of their own authority, without confirmation by the Irish Parliament. But English statutes which were "introductory and positive" making new laws pertained to the legislative authority of the English Parliament, and as such were not binding on Ireland until reenacted by the Irish Parliament. The author mentioned certain medieval Irish statutes which confirmed earlier English statutes as evidence that they had not been in force in Ireland prior to confirmation. Notwithstanding this, Acts had been passed from time to time by the English Parliament in which Ireland had been named. These he dismissed either as being declaratory acts or as never having been received or obeyed in Ireland. He also examined some of the English statutes of the Reformation period which mentioned the King's dominions in general and termed them ineffectual in Ireland until subsequently enacted by the Irish Parliament. Moreover, during the Middle Ages, Acts had been passed in Ireland declaring that English statutes should not be in force there, unless ratified by the Irish Parliament.

In further support of his position the author appealed to several decisions of the English law courts which raised the question of the right of the English Parliament to legislate for Ireland and interpreted the decisions to his own advantage. He pointed out that Ireland was not represented in the English Parliament, thus anticipating the distinction between formal and virtual representation. He considered the claim of the English Parliament to bind Ireland by its legislation to be fundamentally opposed to the nature of Parliament which is *suprema et altissima curia* and therefore *ex natura rei* independent of any other jurisdiction.

<sup>23</sup> For the Declaration and Mayart's *Answer* see Harris' *Hibernica* (Dublin, 1770), Part II. Exhaustive studies of their contents are to be found in Schuyler, *op. cit.*, pp. 54sqq, and in McIlwain, *op. cit.*, pp. 33sqq.

#### Mayart's "Answer"

In his *Answer* Mayart arrived at conclusions directly opposite to the *Declaration*. "Ireland," he said, "was and is a member of England, united to it, and as a part and province of England governed." He rejected the opinion that Henry II had given Ireland to his son John as an independent kingdom. He denied the validity of the author's distinction between declaratory and introductory laws. The author's assumption that the confirmation by the Irish Parliament of an English statute was necessary to give it force in Ireland he refuted, pointing to several medieval statutes which had been executed in Ireland before confirmation by the Irish Parliament and sent there for enforcement without reference to that body. If the Irish Parliament had confirmed certain English statutes of the Reformation period in which the King's dominions in general were mentioned, this was done not because it was necessary to give these statutes legal sanction in Ireland, but for the purpose of making it clear that they must be obeyed in Ireland. The Irish Parliament might, as the author alleged, have issued formal declarations of the legislative independence of Ireland, but if so, these were void, because "Parliament in Ireland could not bind England." Mayart used the cases of the English law courts to which the author had appealed to prove his own doctrine. In his reply to the author's argument that legislation without representation was a violation of fundamental rights and of the law of reason, he appealed to the theory of virtual representation. "They better know in England what Laws are in truth fit for them (the Irish) than they themselves do."

McIlwain regards the *Declaration* as "the first exposition of the American constitutional doctrine on parliamentary authority outside the realm." Schuyler agrees with him as to the fundamental value of the *Declaration*. The *Declaration* and Mayart's *Answer* are, he believes, "entitled to an important place" in the history of the American Revolution. "They go, in fact, to the root of the question of the political structure of the British Empire." As far as the precedents were concerned, Schuyler considered Mayart's refutation of the *Declaration* "in most cases overwhelming." But this, he was careful to note, did not mean that resistance to the exercise of parliamentary authority was never justifiable, but that justification must rest on grounds other than precedent.<sup>24</sup>

To say the least, the author of the *Declaration* showed that the Irish dislike of the English Parliament's imperial authority was very old. Moreover, in his contention that formal declarations of legislative independence were forthcoming from medieval Irish Parliaments, he apparently had history on his side. Professor Curtis of Trinity College refers in some details to several declarations of this kind. During the wars of the Roses the independence of the Irish Parliament had been growing, and an Act of 1468 asserted that to be valid in Ireland English statutes must be ratified by the Irish Parliament. Such a statute, Ball believes, would be incomprehensible unless provoked by some claim on the part of the English Parliament either by words or by legislation.

<sup>24</sup> McIlwain, *op. cit.*, p. 35; Schuyler, *op. cit.*, pp. 55, 70, 71.

This and other declarations of the Irish Parliament are significant in themselves, but a far more important and distinct assertion of its exclusive jurisdiction was issued by the Irish Parliament in 1460.

The land of Ireland is and at all times hath been, corporate of itself by the ancient laws and customs used in the same, freed of the burden of any special law of the realm of England, save only such laws as by the lords spiritual and temporal and the commons of the said land had been in great council or Parliament there held admitted, accepted, affirmed, and proclaimed.<sup>25</sup>

Throughout the negotiations of 1644 the Confederate Commissioners frequently reverted to the need of a new Irish statute declaratory of Irish legislative independence.

#### *King's Commission for Peace*

Conscious that his sole hope of success at home lay in securing a large Irish army to assist him, the King at length issued on June 24, 1643 a commission to Ormond to conclude peace with the Confederates. In his instructions to Ormond he stated that the Confederate demand for legislative independence was well founded, but in view of the bad effect a declaratory act might have in his domestic affairs, the King cautioned Ormond that what should be agreed upon concerning the issue should "be admitted by way of what is their right, not as granted *de novo*."<sup>26</sup> Already he had told the Confederate Commissioners at Oxford that he conceived the substance of their proposal "fit to be referred to the free debate" of the two Parliaments when they could freely sit, and that "being equally concerned in the privileges of either" he would "take care that they should both contain themselves within their proper limits."<sup>27</sup>

In the interchange of arguments on Anglo-Irish constitutional relations between the Confederate agents and the Earl of Ormond, Charles I's Irish viceroy, both sides agreed that of two Parliaments both created by royal writ and in each of which the plenary power of the same sovereign resided, one could not be inferior to the other. This was an explicit acknowledgement that Ireland was not subject to the legislative authority of the English Parliament. Here agreement ended. The Confederates contended that since the King had given his assent to a recent act of the English Parliament purporting to bind Ireland, it was now necessary that he should approve an act of the Irish Parliament denying the English claim. The Royal Commissioners insisted that a declaratory resolution of both houses of the Irish Parliament would be as effective as a statute. If legislative independence was not their right already, an Irish act would not make it so because it would not bind England. Moreover what they desired had already been passed by several acts of Parliament in Ireland.

Ormond's answer to the question was identical to that already given by the King at Oxford. It failed of course to satisfy the Confederate Commissioners, who proceeded to base their denial of the jurisdiction of the English Parliament over Ireland upon the fact that Ireland was not represented therein. They declared:

The said Catholics do conceive and affirm in all clearness that the Parliament of Ireland is independent of the Parliament of

<sup>25</sup> Ball, S.J., *Historical Review of the Legislative Systems Operative in Ireland from the Invasion of Henry II to the Union* (London and Dublin, 1889), p. 26; Curtis and McDowell, *Irish Historical Documents* (3rd ed., London, 1943), p. 74.

<sup>26</sup> Bellings, *op. cit.*, II, p. 141.

<sup>27</sup> *Ibid.*, III, p. 177.

England, without which independency this realm could be no Kingdom nor any Parliament here necessary, nor any subject of this Kingdom sure of his estate, life, or liberty, other than at the will and pleasure of the Parliament, wherein neither Lords, Knights, nor burgesses of this kingdom have place or vote and which vowed the destruction of all or most of this nation, and unwarrantably assumed the power to dispose of their estates.<sup>28</sup>

As far as Ormond was concerned all the fine argumentation of the Confederates on the need of a declaratory act asserting Ireland's legislative independence led nowhere. Indeed the question was not destined at that time to be adjusted by Parliamentary resolutions. As the fogs of autumn thickened over Innisfail and a "spotted plague" appeared in the west, a still worse plague appeared in the east in the "curse" of "the great bad man."<sup>29</sup> On August 14, 1649 Oliver Cromwell landed in Dublin. The battle, or massacre, of Catholic Ireland began at once. *Inter arma silent leges.*

#### *Hundred Years Dispute*

The Glorious Revolution of 1688-9 formally established the power of Parliament over the dominions, but it was not long before this power was challenged again in Ireland. During the Restoration an important woolen industry had developed in Ireland, and Irish woolens had come to compete with English woolens in foreign markets. By an English statute of 1698 designed to kill the Irish industry, the exportation of Irish wool or woolens was forbidden under heavy fine, and careful regulations were made for the strict enforcement of the law.<sup>30</sup> Before the bill had become law, William Molyneux, a member of the Irish House of Commons, published a pamphlet entitled *The case of Ireland's being bound by Acts of Parliament in England, Stated*. Molyneux was a Protestant, a mathematician, a disciple of John Locke, and an ardent Williamite to boot. His book itself was dedicated to William III. He accepted without question the connection of Ireland with the Crown of England but rejected the authority of the English Parliament over Ireland as decisively as Patrick Darcy and the Confederate Catholics had more than fifty years before. Though the *Declaration* was still in manuscript, its arguments were repeated with such fidelity—but without acknowledgement—that Molyneux has been charged with plagiarism.<sup>31</sup> Molyneux did give literary form, however, to the language of the *Declaration* and of course laid greater stress upon the concept of nature and the rights of man.

Deservedly or undeservedly, Molyneux's pamphlet created a sensation. In Ireland his countrymen hailed him as a patriot; in England only his death cut short his impeachment. Two English replies to his pamphlet were published in London in 1698, the one by John Carey, the other by William Atwood, who later became the very unpopular King's Chief Justice in the province of New York.<sup>32</sup> If Molyneux's pamphlet was a reproduction of the *Declaration*, the replies of Carey and Atwood were much the same as Mayart's *Answer*. Molyneux pointed out that the English Parliament had

(Please turn to page seventy-one)

<sup>28</sup> *Ibid.*, III, p. 281, 310.

<sup>29</sup> *Aphorismal Discovery*, II, pp. xlii, 116. *The English Historical Review* (London, 1886-7), II, p. 340. Dunlop, *op. cit.*, I, Introduction to the Documents.

<sup>30</sup> 10 Gul. 3, c. 16.

<sup>31</sup> Schuyler, *op. cit.*, pp. 80-1.

<sup>32</sup> McIlwain, *op. cit.*, p. 49.

## Recent Books in Review

### European History

**Three Worlds**, by Nicholas S. Timasheff. Milwaukee. The Bruce Publishing Company. 1946. pp. xi + 263. \$2.75

The author, a native of Russia and long a resident of various countries of western Europe, previously published *The Great Retreat*, "The Growth and Decline of Communism in Russia". He now essays the task of comparing "Liberal, Communist, and Fascist Society".

To review or summarize the chapters in which the three types of society are respectively analyzed, would be like writing an index for a dictionary; the more penetrating, sympathetic but objective analysis is that on "Fascist Society". The author could well attempt a further publication on liberal-democratic society. This would determine whether the author would benefit by wider experience with the more ineffable operations of democracy and liberalism in this country—he became a naturalized citizen in 1943—or whether he is not so temperamentally inclined to make such an analysis as, for example, is a Don Luigi Sturzo.

The author analyses the "Three Worlds" from the matrix of the relatively similar politics prevalent in 19th Century western Europe. He regards communism as the initial break from this homogeneity, and fascism as a reaction to this event. Modern "liberalism" he treats as a transformation from the earlier classical *laissez-faire* type to the broader sociological complex which is still in the making, in which the democratic principles blend with the more moderate forms of Socialism and with Catholic "solidarity" and "subsidiarity".

Even in this maturer form "the democracies had to face the experience that violent overthrow threatens not only rotten autocracies, as they had thought, but democracies as well". "The liberal order does not guarantee high efficiency", one of the requirements for survival, "but under certain conditions is able to attain to it"; the author warns that democracy needs to convert this possibility into necessary reality. One need but scratch a democracy to discover the fascist and communist potentials inherent in any society—*vide Georgia!*

Occupied Germany, although not included in the author's observations, provides a basis for furthering the comparisons made in "The Three Societies Compared" and "The Three-cornered Struggle". For occupied Germany today is a virtual laboratory in which the democracies are experimentally meeting communism on fascist soil. Improving our own administration of affairs there is more important than to berate the Soviet regime.

In developing the philosophy of social pluralism, the author's use of the term "class" is clear only in the context. He could well have used the more familiar term "group", especially when referring to the "free association". True, *Menge* in Logic and Mathematics is translated into "class"; but in social philosophy this term implies those stratifications which lead to "class

conflicts". It was this connotation which was played upon so heavily by fascist and communist to split the labor groups and to encourage economic groups to become identified with political parties and *vice versa*. The Encyclical programs for social reconstruction, especially where they stress the functions of "free associations", are pointed to the broader concept of "social groups". In these intermediate, minority, groups—in their rights to exist, to develop positively those particular interests which cannot be promoted by general legislation, to operate as "his majesty's loyal opposition"—lie the crux and strength of the liberal democracies.

What measures confront the liberal democracies if they are not to be supplanted by fascist or communist extremes? The author, in his final chapter, "The Conditions of Survival of Liberal Society", presents a four-fold program: 1. Increased efficiency in the development of political authority as well as in economics, where technical efficiency of means is not to be confused with the objective—the maximum satisfaction of human needs. 2. Solution of the problem of full employment; and this involves planning (though not of the brand condemned by Hayek) which is no more, than is the corporate structure, to be regarded as imitating fascism or communism. 3. The elimination of war. 4. A rescaling of social values so as to reweave the human, religious and moral experiences into the more adequate fabrics of personality and society.

The book includes a classified bibliography of some 150 well-selected items (*Schumpeter's Capitalism, Socialism and Democracy* is conspicuously absent). The index is separated into countries, proper names and topics. The Preface by the general editor, following his usual gracious manner, summarizes and points up the argument and sketches the life of the author.

St. Louis University

CARL F. TAEUSCH.

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**Historical Change**, by Lewis Einstein. Cambridge, at the University Press; New York, The Macmillan Company. 1946. pp. 132. \$1.25

This is the twenty-seventh volume of the Current Problems series, published under the general editorship of Sir Ernest Barker; in it the author deals with the causes of change in the abstract, backing up his general statements by examples ranging from ancient history down to Hitler's fall. Except for certain examples, he does not attempt to make his subject pertain to current problems. His discussion of the nature of historical change, however, is intended to show what can be done toward building a better world in the future. Mr. Einstein leaves the reader the task of building the better world; he only supplies him with certain statements on what can be done, and what will result from the application of various factors of change.

Although this slim volume was apparently written for the general reader, it abounds in observations of interest to the student and teacher of history. It reveals wide knowledge, fairly broad understanding, occasional

penetrating insights, and constantly maintained balance on the author's part. He refuses to embrace any simple explanation of causality, whether it be the economic determinism of most American historians or the simple theological interpretation of a Bossuet. He shows the varying roles played by ideas and by faith, by climate and food and ambition, by seemingly slight events, and by accidents. He insists that written history tells only of those things which pop to the surface and therefore attract attention, that the real life of a people is lived down below this political surface and is all too often ignored by the historian.

*Historical Change* ends up by not giving a full explanation of historical change—this saves it from becoming a philosophy of history offering another partial explanation of change in history. It consists of many mature observations which make the reader appreciate how impossible it is to reduce history to a formula. Fortunately this is a small volume, for it reads like a wise old man's discourse to young disciples. It rambles on for several hours' reading time, and it is full of wisdom—but soon the reader discovers that only a few points are being made and remade. He wishes they had been reduced to a compact essay.

St. Louis University

THOMAS P. NEILL.

**The Russian Attack on Constantinople in 860**, by Alexander A. Vasiliev. Cambridge. The Mediaeval Academy of America. 1946. pp. xii + 245. \$4.00

In its latest publication the Mediaeval Academy of America presents the results of an investigation by an outstanding scholar of Byzantine history into the relation of the first Russians to the Byzantine Empire. A more exact title for the monograph might have been "Problems of Historiography Concerning the Russian Attack on Constantinople in 860", for almost the entire content of the book is devoted to an examination of available material on the subject.

The actual story of the Russian attack on the capital of the Eastern Empire can be summarized very briefly. During the reign of Emperor Michael III, two Normans named Askold and Dir sailed down the Dnieper River from Kiev and with their fleet laid siege to Constantinople on June 18, 860. The city had been left almost defenseless by the absence of the Emperor and of the fleet on an expedition against the Arabs. Without opposition the 'Ros', as they were henceforth to be known, pillaged the suburbs of the city, killing, robbing and burning. The walls of the city, however, remained impregnable, and the attackers settled down to a siege of the capital. The Emperor, meanwhile, having heard of the danger to his capital city, returned to aid in its defense. The siege continued for approximately ten months. Then, sometime toward the end of March, 861, a sudden storm, due, according to Byzantine chroniclers, to the intercession of the Blessed Virgin, scattered the Russian fleet and forced the attackers to return to Kiev.

These are the main points of information which emerge from the monograph. However, before coming to any conclusion about any point, the author has carefully appraised every source of information and every proposed fact for its reliability and probability. As a

background for his main theme he has examined the sources and literature concerning the Normans in Western Europe in the ninth century. Turning then to the question of the Russian attack on Constantinople itself, he has carefully evaluated every shred of information contained in Greek, Latin, Arabic, Russian and Old Slavonic sources. Having exhausted the primary sources on the problem, the author has then listed the opinions of Russian historians from the seventeenth century to our own day on the question of the Russian campaign in 860.

Like an anthropologist who has found a few small bones and is trying to recreate an entire man, Vasiliev has attempted to marshal the few facts available into a plausible story. The task is a difficult one, for every point of information has been questioned in the past. For instance, the date, the duration of the campaign, the place whence the Russians came, whether Askold and Dir were one or two persons, the cause of the expedition, and other points have been variously interpreted by Russian and Byzantine historians. Vasiliev has attempted to draw his conclusions from the latest material available; nevertheless he is at times drawn into making arbitrary and tenuous conclusions.

This book is not recommended for those who are merely interested in information concerning the origin of the Russian state. It will, however, be of inestimable aid for those who are interested in the historiographical problems surrounding one of the earliest events in Russian history. The book is rather the history of the author's research into the event than the story of the event itself. As such it is a valuable contribution to the little known period of early Russian history.

In the interest of librarians and future compilers of bibliographies it is recommended that the title of the monograph should correspond on the fly-leaf and on the binding. The binding bears the title *First Russian Attack on Constantinople*, whereas all the page headings and the fly-leaf entitle the book *The Russian Attack on Constantinople in 860*.

St. Louis University

ANTHONY F. CZAJKOWSKI.

## American History

**Lincoln and the South**, by J. G. Randall. Baton Rouge. Louisiana State University Press. 1946. pp. viii + 161. \$1.50

Few figures in American history have attracted half the cluster of scholarly satellites which circle in Lincoln orbits at the present time. Indeed Lincolniana is a world all its own. Lincoln clubs, and quarterlies, and the now famous book store are all appendages to the system. Things are always happening concerning Lincoln which are interesting to the scholar, but the recent crop of events has been more than usually inviting.

In the first place there was the gentlemanly battle between two scholarly factions over the privilege of publishing the definitive edition of Lincoln's works. The fact that the American Historical Society was the losing side which politely conceded victory to the financial and scholarly armament of their opponents, only points up the quality and quantity of the Lincoln

scholarship. Then during the coming year the Lincoln papers in the Library of Congress will be opened for research. Finally there has been the appearance of several fine monographs on the Lincoln theme, notably Meredith's striking book of photographs, Randall's two volumes (with a promise of two more) on *Lincoln the President*, Monaghan's *Diplomat in Carpet Slippers*, and Hendrick's *Lincoln's War Cabinet*.

With so much publishing and published on a single subject, one is hard put to it for a fresh approach. An economy of abundance poses problems of its own. J. G. Randall has somewhat solved the problem by making his studies critical, rather than narrative, and directing them principally to the historian. For one unfamiliar with the problems, the cool, evaluated answers of Randall lose most of their point. But for significant historical chit-chat on the subject of Lincoln, Randall is indispensable.

The lectures which compose *Lincoln and the South* suffer to a great extent from this critical approach. They are quiet, well reasoned, and of some importance, but immoderately dull. This is very regrettable for Randall is one of the few who have managed to abstract from subsequent events and grasp the furious tenseness of the pre-Civil War crisis. Too many have fired on Sumter before the southerners themselves and have made every compromise effort a failure before it began. The Civil War did not spring from colonial claims or an armament race. The absence of clashes founding traditional inevitability makes the fumbling, hesitating efforts at adjustment all the more important. In studies of the crisis too much work has been done on the extremes and too little on the conservative and conserving elements. Randall's ability has certainly pointed in the right direction; a little more brilliance of style would have led us far down the road.

Randall has indicated another significance: the correlation of the war and peace problems of today with those of mid-Nineteenth-Century America. Certainly the importance of the present international scene dictates an intelligent well founded policy—and on what is it to be founded if not on the experience of our own past. A better informed public would be a safer guide in the formulation of the peace, particularly if we are to avoid a "reconstruction" and the evils of a subject minority.

Randall rightly gives much space to Lincoln's plan of re-instanting the South, and this is perhaps the best section of the short volume. It is thoughtful, critical, and does not claim too much for the power of Lincoln as opposed by Congress. It is too difficult to say what would have happened had Lincoln not been killed, and Randall is correct in pointing out the opposition of the "radicals" to any plan of leniency. But might not the congressional election results have been a little different if Lincoln had had at least nominal control of his party? In a short work of this kind it is impossible to provide adequate "coverage" but the composition of Congress might have received a little more notice. Perhaps we will find it in Randall's forthcoming volumes on the later years of the presidency.

Two other points which are covered at some length are the Emancipation Proclamation and Lincoln's deft handling of the border states. One can easily grasp

the importance of these events by picturing the scene had, say, Frémont been elected president. That general's action in Missouri gives us sufficient foundation to formulate his policy. From there on it would be speculation but not of the brightest color.

The basis for Lincoln's policy of concern and leniency toward the South, Randall attributes to his southern background: his birth in Kentucky, his associations, even the temper of southern Illinois. The point is incidental, but it seems a little strained. Many an intelligent northerner of the time would have shared Lincoln's policy and theories. It is only because the North takes its color from the bitter radicals that the whole picture is tinted. Lincoln's attitude toward the South was intelligent—and southern, if you will—but no more so than the many, especially soldiers, to whom he looked for support. It is too bad that those who carry the guns in war are so inarticulate about the peace—even today. We might be more certain of justice.

*Harvard University*

JOSEPH R. FRESE, S. J.

*Benjamin Franklin: A Biographical Sketch*, by Carl L. Becker. Ithaca, New York. Cornell University Press. 1946. pp. ix + 49. \$2.00

A biography of Benjamin Franklin always attracts attention. He is one of that happy band of semi-canonicalized early Americans and first of the elder statesmen. One almost expects to see his familiar face, caught in a permanent cloud formation, smiling benignly upon Mt. Rushmore.

This is not a new work. Only the form is new, for the short life of Franklin was first published in 1931 in the *Dictionary of American Biography*. Therefore those interested in American History already have read and appraised Carl Becker's work.

The significance of the present book is rather to be found in the introduction by Julian Boyd—whether he realizes it or not. Franklin and Becker, two great Americans, had the same fundamental philosophy, that of the Age of Enlightenment, skeptical liberalism. With it the former was happy, the latter sad. There are two reasons for this difference.

Franklin's natural disposition was sunny, opportunistic, pragmatic. Becker's was serious, probing, and idealistic. Franklin lived in the delirious dawn of the new liberalism, Becker in the disillusioning twilight as life went out with a whimper.

Both men contributed a great deal to American life, as much as they could, more than most—but it was not enough. At least, not enough for Becker. Even as Franklin watched the signing of the great Declaration his face wore the "bland smile which seems to say: This is an interesting, alas even a necessary, game; and we are playing it well, according to all rules; but men being what they are, it is perhaps best not to inquire too curiously what its ultimate significance may be."

But Becker could not content himself with mere utility—he strained for meaning. His was a courageous, lonely, inquiring mind. "It was the wholesome skepticism of the eighteenth century and the ends toward which it moved that enlisted his loyalties". That was his tragic fundamental mistake. That was the kiss of death that left "Becker on Olympus, bleak dignity wearing

the ironic smile of a warm human being who, pursuing truth, is afraid he has caught sight of her stern-visaged form . . ."

Perhaps, if he had not turned aside from what Julian Boyd describes as "the fundamental presuppositions of the Ages of Faith" and had gazed more attentively upon "that other massive peak of an earlier age, Thomas Aquinas" he could have smiled happily and logically.

*St. Louis University*

GREGORY C. HUGER, S.J.

*The Slave States in the Presidential Election of 1860*

(Johns Hopkins University Studies in Historical and Political Science. Series LXIII, Number 3.), by Ollinger Crenshaw. Baltimore. The Johns Hopkins Press. 1945. pp. 332. \$3.00

This is a worthwhile, scholarly, careful study which will have its main appeal only to those who wish to have considerably more than a textbook knowledge of some of the issues and characters on the stage of American history around 1860.

A neat statement of the author's purpose, which has been substantially accomplished in the judgment of the present reviewer, is found in the preface of this Johns Hopkins Study:

The present volume attempts to set forth the shades of political opinion held by individuals and groups in the then far from solid South, area by area, and, at the risk of repetition, state by state. Perhaps a better understanding of this complex and critical presidential contest may be gained by a consideration of the ideas, plans and actions of Southern leaders and, as far as possible, of the Southern rank and file . . . (p. 7)

There are two chapters in this study especially worthy of mention. They are: chapter four, Douglas Appeals to the Slave States, and chapter five, The Uses of Emotionalism. The first adds to our knowledge of the not yet finally appraised activities of Stephen Douglas in his sometimes twisting, sometimes tortuous efforts to obtain the Presidency. If it be true that the successful American Chief Executive must be a clever politician, what must one say of the aspirant to that post? Hence Douglas' activities—some would call him a "trimmer"—do not of themselves merit reprehension. Crenshaw gives a good analysis here.

It is always interesting to study emotionalism in human history. Hence chapter five of the present work provides us with a case history of the uses of hyper-emotionalism by virtue of which, as the author says, quoting Professor Avery Craven, "Fear and hate had taken charge." (p. 111)

The two summaries, (pp. 193, seq. and pp. 295, seq.) form a handy enucleation of evidence on the campaign in the border and upper southern slave states and in the states of the lower south. Finally, one should praise the painstaking scholarship shown in the systematic and complete consultation of archival and newspaper material.

*University of San Francisco*

JOHN B. McGLOIN, S.J.

## Church History

*The Epistles of St. Clement of Rome and St. Ignatius Of Antioch* (Ancient Christian Writers, No. 1), translated by James A. Kleist, S. J. Westminster, Maryland. The Newman Bookshop. 1946. pp. x + 162. \$2.50

The present volume is the first in what the publishers promise will be a "monumental collection of the works of the Fathers translated and edited under Catholic auspices." The editors, Johannes Quasten, S.T.D. and Joseph C. Plumpe, Ph.D., both of the Catholic University of America, tell us in the foreword that Ancient Christian Writers purposes to make the works of the Fathers "available in a new English translation that is at once faithful to the original message and intelligible to the reader of our century", and that the many scholars, both in this country and abroad, whose services they have enlisted, are already at work, not only upon the Greek and Latin Fathers, but upon Christian Oriental sources, many of which have never appeared in any English translation—are indeed for the most part of only recent discovery. One cannot but salute with enthusiasm so ambitious and much-needed a work of scholarship. Monumental is indeed the name for it.

That Father Kleist should have the honor of initiating the series is at once a happy tribute to so distinguished a scholar and an augury of success to the whole undertaking. In this volume, at least, the editors can feel that they have attained their purpose.

The author's own idea of translation is indicated perhaps in his Introduction to the Epistles of St. Ignatius, where he observes that "translations are not made for the benefit of the scholar, but address themselves in the first place to a reader not conversant with the intricacies of Greek diction. What he looks for in taking up a translation is not merely accuracy or fidelity to thought, but also readability. He wants to know—of course in as few words as possible—what the Greek writer meant to say; he is anxious to grasp the sense without being compelled to turn to a footnote explaining it." Father Kleist has reserved the "intricacies of Greek diction" for the notes—where, however, he has treated them with a genuine, though discreet, erudition. The text itself, as he presents it, is eminently a work of clear and easily flowing modern idiom.

The importance of Clement and Ignatius themselves to an ecclesiastical historian or to an historian of dogma is evident enough, and throughout in the notes Father Kleist discreetly indicates the important texts. Here if anywhere—if not indeed with Christ and the Apostles—should that authoritative hierarchical Church have begun to be, whose anathemas were to dominate the ages. And yet here it is a thing already universally achieved and taken for granted, the Christian and Catholic Church. One might well pass, almost without shock of transition, from the Epistle of Clement to a Papal Encyclical; or from Ignatius of Antioch to the Spiritual Exercises of Ignatius of Loyola. Here we are in the great central tradition of "the Faith."

The historian of dogma will of course not expect to find the *Quicumque* in Ignatius of Antioch. But he will find it *lived*. The man who wrote to the Romans of a "suffering God" was not afraid of the '*communicatio idiomatum*'. What are we to say of a man who could cry out almost in the heroic splendor of his agony: "My Love has been crucified, and I am not on fire with the love of earthly things. But there is in me a Living Water, which is eloquent, and within me says: 'Come to the Father'". Scarcely the last words of a Unitarian.

The life and death of Ignatius, as we see them in his letters, are a passionate assertion of the great central truth of the Faith: One who was crucified, and who reigns with the Father in the unity of the Holy Spirit.

*St. Louis University* JOSEPH E. DOUGLAS, S. J.

**The Catholic Church and the Secret Societies in the United States** (Monograph Series XXII), by Fergus Macdonald, C.P. New York. The United States Catholic Historical Society. 1946. pp. 220.

Another gap in American church history is covered by this well documented thesis which the United States Catholic Historical Society, pursuing its usual interest in the field, has underwritten. Another aspect of the social-religious problems of the nineteenth century has been covered, and again, to furnish much of the material for the work a great use is made of the well organized diocesan archives.

The period covered runs from 1794 to 1895 with especial concentration on the years 1880-1885. Interestingly, this study covers not only the relationships of Catholics to secret societies such as those of the Freemasons, Odd Fellows and other groups usually considered theistic and non-Catholic in sympathy, but also, the Fenian Brotherhood, Ancient Order of Hibernians and similar groups inclined to draw all or most of their patronage from amongst Catholics. Even membership in societies such as the Grand Army of the Republic, Patrons of Husbandry and the Knights of Labor is scrutinized for the period covered in the text.

Various interpretations of the Roman condemnations of the European Secret Societies were presented as applying or not applying to the American Societies. The result was that the bishops failed to agree and, furthermore, some felt that the societies should not be condemned publicly lest more harm than good accrue to the American church. Insurance benefits, the purely social or vocational aspect of some of the groups, the inability to discover in many cases the ritual—all contributed to a division of thought on the matter. The actual question which chiefly arose was not whether the societies were condemned but whether they were forbidden.

*St. Louis University*

WILLIAM A. FITZGERALD.

**Historical Records and Studies**, Vol. XXXV, Very Reverend Thomas J. McMahon, S.T.D., edit. New York. The United States Catholic Historical Society. 1946. pp. 149.

This work opens with a brief tribute to Francis Cardinal Spellman, Honorary President of the United States Catholic Historical Society, on the occasion of his elevation to the College of Cardinals. Pages three to seventeen are devoted to an address delivered by Professor Ross J. S. Hoffman before the annual meeting of the society in New York City on December 11, 1945. The address, "The American Republic and Western Christendom", contains some very illuminating items concerning Orestes Brownson and Brownson's mid-century observations as to the position the United States should occupy in world affairs. Needless to say, the address is done in Professor Hoffman's customary scholarly and interesting style.

Pages eighteen to forty-five contain writings relative to a controversy concerning New York's Oldest Catholic Church Structure. Some five writers champion the claims of their respective edifices to the Crown-of-Catholic-Antiquity-Supreme in New York City. To the writer it appears that the controversy might have dragged on interminably, had not the contestants finally agreed upon a definition of terms, which served to resolve the whole difficulty to the satisfaction of all concerned.

The Reverend Henry J. Browne of Catholic University treats, pages forty-six to seventy-two, "The 'Italian Problem' in the Catholic Church of the United States, 1880-1900". The author includes considerable factual data and portrays, effectively, the obstacles encountered by the churchmen of the time in meeting the difficulties presented by the migration of the Italian people to the United States. The task of saving the faith of those poverty stricken peoples, strangers in a strange land, handicapped by language differences, was not easy and was not easily met, as Father Browne ably demonstrates.

For some thirty years, St. Joseph's Seminary at Dunwoodie, New York, has been empowered to grant graduate degrees, but it was not until very recent years that the authorities saw fit to exercise the privilege. A change of policy was decreed recently, and Father George E. Tiffany was the first recipient of a Master of Arts degree from St. Joseph's Seminary. Father Tiffany's thesis, *The Church and the Frontier in the Old Northwest, 1699-1812*, is included in this volume, pages seventy-three to one hundred and forty-four, since, as the editor notes, the United States Historical Society was originally founded to be the Historical Society of the Archdiocese of New York. In his well-documented effort, Father Tiffany takes issue with the Frontier Theory of Frederick Jackson Turner and describes the much-neglected and too-oft-overlooked contributions made by the Catholic missionaries and early French settlers to the opening of the Old Northwest.

*St. Louis University* BRENDAN C. McNALLY, S.J.

## Irish Antecedents

(Continued from page sixty-six)

never expressly asserted its right to bind Ireland.

Some years later, in 1719, the English Parliament made the assertion in the most absolute and sweeping language possible. This was the *Declaratory Act* of 1719, and it is a point of special interest that Parliament used precisely the same terms *mutatis mutandis* in 1766 to set forth the same authority over the American colonies. The constitutional issue was identical in both cases.

In 1724 Swift denounced the Declaratory Act as being without any ground of law, reason or common sense. "For in reason, all government without the consent of the governed is the very definition of slavery." The English statute was in fact a good example of the ability of "eleven men well armed" to subdue "one single man in his shirt."<sup>33</sup> In 1748 Charles Lucas renewed the Irish agitation in his *Addresses* to the free citizens of Dublin, in which he further popularized the

Darcy doctrine in its Molyneux dress.<sup>34</sup> Grattan and Flood forwarded the issue in the Irish Parliament in 1780.<sup>35</sup> They were entirely triumphant, but their victory was not due to their brilliant oratory and superior statesmanship. It was due rather to the desperate international situation in which England found herself. France had actively intervened on the side of the American colonies; Yorktown was in the offing; Catherine II had declared the Armed Neutrality of the North; and last but not least Grattan was in a position to call upon 80,000 Irish "Volunteers" to back up his oratory with action. It was no longer a case of the man in his shirt against eleven in arms. On June 21, 1782 the Declaratory Act of 1719 was repealed by act of the British Parliament.<sup>36</sup> This was not enough for Flood. The mere repeal of the Declaratory Act was not a surrender of the right or principle affirmed in such an Act, and Ireland needed the additional security. The interpretation of the matter in high places in England soon proved Flood right in spite of Grattan's opposition. Accordingly, on the application of diplomatic pressure the British Parliament passed in 1783 the Renunciation Act, and the constitutional question at issue between the British and Irish Parliaments since the time of Patrick Darcy's *Argument* was settled definitely in Ireland's favor.<sup>37</sup>

In view of "the Irish constitutional parallel" which had its beginning in 1641 and continued up to and even beyond the time when the later American agitation ceased to be a constitutional question, McIlwain sees a need for the recognition of the work of Darcy or Bolton and of the galaxy of later Irish constitutional celebrities in the development of American constitutional institutions and political ideas. The circumstances of the

two cases were almost identical, and the ultimate issue the same. Both Ireland and the American colonies conceded their connections with the Crown but denied the authority of the English Parliament to bind them. By the same token the opposition to the claim in both cases was based fundamentally on the same conception of the relation existing between the realm of England and the other dominions of the King. That the constitutional issue was raised in Ireland over a century earlier than in America was due precisely to the fact that the practical application of Parliament's power over Ireland became a grievance there that much earlier.<sup>38</sup> As for Schuyler's far more generally supported thesis that Parliament had in both cases by far the better of the arguments on grounds of precedent, perhaps we should rather wonder that Darcy or Adams should have been able to find any precedent at all to support their claims. At any rate both of them could and did, like Cicero, fall back on the law of nature; for both regarded the British Constitution to be a part of it. In this respect Darcy anticipated Locke and Rousseau. The final fact, namely that the Irish constitutional agitation deserves the serious attention of the American historian in allocating the causes of the American Revolution scarcely needs to be stressed further. This will be a sufficient *raison d'être* for this study even though a monument to Patrick Darcy is never raised in Washington, D. C.

<sup>33</sup> *The Drapier's Letters*, edited by Temple Scott, VI, pp. 113-15.

<sup>34</sup> Lucas, C., *The Political Constitutions of Great Britain and Ireland, Asserted and Vindicated* (London, 1751), II, pp. 331sqq.

<sup>35</sup> *Grattan's Speeches* (London, 1882), I, 38, 104. *The Parliamentary Register* (Dublin, 1784), I, *passim*.

<sup>36</sup> 22 Geo. 3, c. 53.

<sup>37</sup> 23 Geo. 3, c. 28.

<sup>38</sup> McIlwain, *op. cit.*, pp. 54sqq.

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